

Handout 1

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
86 CRS 018809
86 CRS 031738

STATE OF NORTH CAROLINA,

v.

MERRITT WILLIAMS DRAYTON

**AFFIDAVIT OF
CHRISTINA HOWELL**

NOW COMES Christina Howell being first been duly sworn, who deposes and says the following:

1. I am over the age of eighteen, suffer no legal disabilities, have knowledge of the facts set forth below, and am competent to testify.

2. I am a Public Information Officer at the Forsyth County Sheriff's Office (hereinafter FCSO), where I have been employed for over 3 years.

3. On or about November 30, 2018, Brian Ziegler, a staff attorney with the North Carolina Innocence Inquiry Commission (hereinafter Commission), contacted FCSO regarding jail records from the 1980s for the following five individuals: Merritt Williams (a.k.a. Merritt Drayton, DOB 5/5/58); Robbin Carmichael (DOB 10/27/62); Darren L. Johnson (DOB 3/9/66); Darryl E. Hunt (DOB 2/24/65); Sammy L. Mitchell (DOB 8/8/55).

4. No records in the FCSO computer database were responsive to the request.

5. As a result of the Commission's request, over several weeks, FSCO personnel conducted an extensive search through records in the Detention Center Remote Records Storage and no records were responsive to the request. The oldest records located were from 1990 and were not inmate records but rather related to general Detention Center matters.

6. Upon information and belief, there are no other locations where these records may be stored. FCSO and Detention Center have both changed physical locations in the past 30 years.

7. I do not have personal knowledge of the records retention practices of the FCSO prior to Sheriff William T. Schatzman, but as to his administration and the current Sheriff, Bobby F. Kimbrough, Jr., the practice has been to retain all records in accord with the established Records Retention and Disposition Schedule for County Sheriff's Office issued by the State Archives of North Carolina, Department of Natural and Cultural Resources, Government Records Section.

8. Upon information and belief, the records for Mr. Williams, Mr. Carmichael, Mr. Johnson, Mr. Hunt, and Mr. Mitchell have been destroyed pursuant to policy.

9. FCSO is not in possession of these records and has no record of their destruction.

FURTHER AFFIANT SAYETH NAUGHT.

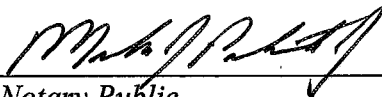
This the 5th day of March, 2019.


Christina Howell

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

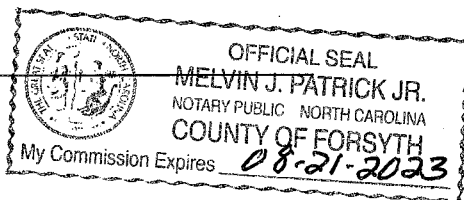
Sworn to and subscribed before me,

this 5 day of March, 2019.


Notary Public

(Seal)

My Commission Expires:



Handout 2

Documents Received from Mark Rabil, Attorney for Darryl Hunt

Motion for Appropriate Relief for Darryl Hunt filed in 1993 regarding Deborah Sykes conviction, including some practices and procedures by WSPD detectives who also worked on the Wilson and Bryson cases
Portions of transcript from hearing on 1993 Sykes MAR, including the testimony of four WSPD officers
2008 Assessment of the Winston-Salem Criminal Investigations Division and Identification Division Function
Various appellate court documents, handwritten notes, and correspondence related to Hunt's defense work in the Wilson and Sykes cases
Memo detailing a meeting between Hunt and defense team regarding Wilson case on 4/21/1986
Notes from interview with Terry Thomas (alternate suspect in Sykes case who had jail alibi)
Handwritten note from Gail Burnette to Rabil regarding McGee, Walser, and Ford not wanting to testify at the Wilson trial
Notes from the preliminary hearing in the Wilson case and one of the trials in the Wilson case
Portions of discovery from the Wilson case, including material related to Williams' capacity to proceed
Portions of transcript from the Sykes retrial in 1990, including the voir dire testimony of Williams regarding the facts of the Wilson case
March 1993 notarized statement from Williams regarding Johnny Gray, witness in Sykes case
Letter from Hunt to his attorney, Ben Dowling-Sendor, about Williams and Johnny Gray (dated 3/3/1993)
March 2004 letter from Williams to Forsyth County DA Thomas Keith
Notarized statement from Williams re: innocence received by Winston-Salem officials (dated 5/11/2004)
Correspondence and memos generated in response to Williams' May 2004 notarized statement involving Dr. Vivian Burke (Mayor Pro Tempore), WSPD, and the City Manager's Office

Documents Received from Wake Forest University Law Library's Phoebe Zerwick Collection

Handwritten notes from Zerwick related to interviews of Robbin Carmichael, H. Glenn Davis, Kevin Mauney, and Mary Howell (Coble)
Four letters from Williams to Zerwick (dated 3/1/2004, 3/8/2004, 3/11/2004, and 5/10/2004)
Letter from Williams to Forsyth County DA (dated 3/8/2004)
Letter from Zerwick to Patricia Dunlap (dated 3/26/2004)
Two letters from Zerwick to Williams (dated 4/23/2004 and 2/25/2004)
Letter from Zerwick to Darrin Johnson (dated 4/15/2004 and never sent)
Typed notes entitled "Arthur Wilson Chronology"
Types notes that appear to be drafts for later articles regarding Ronald McGee, Mary Howell, and Mattie Mae Davis
Photo captioned "Detective Randy Weavil works a case from his Winston-Salem office near a file cabinet, locked tight, of old files from the Darryl case, which he investigated" (dated 8/19/2003)
Photo captioned "Merritt Williams Drayton testified that he and Sammy Lee Mitchell and Darryl Eugene Hunt killed Arthur Wilson in Sept of 1983" (dated 5/6/1986)
Letter from Thomas Keith, DA, to Mayor Joines, Chief Norris, and Special Agent in Charge Brown regarding the prosecution of Willard Brown and access to Sykes file (dated 4/22/2004)
Memo from Ronald Seeber, City Attorney, to Bryce Stuart, City Manager regarding Keith's letter (dated 5/10/2004)
Notarized handwritten statement by Williams (dated 5/11/2004)
Memo from WSPD Chief Patricia D. Norris to Lee Garrity, Assistant City Manager (dated 8/3/2004)
Letter from Dr. Vivian Burke, Mayor Pro Tempore, to Williams (dated 8/9/2004)
Various documents related to Robbin Carmichael, including court documents, DOC information, and a Winston-Salem Journal photo assignment sheet on Robbin Carmichael
Miscellaneous correspondence and letters related to Zerwick's investigation

Handout 3

Abbreviated Timeline of Events

DATE	EVENT
September 17, 1983	Arthur Wilson murder
August 10, 1984	Deborah Sykes murder
September 14, 1984	Darryl Hunt arrested (Deborah Sykes)
December 10, 1985	Blanche Bryson murder
March 5, 1986	Mary Smith falls down stairs
March 17, 1986	Mary Smith dies
March 19, 1986	Merritt Williams arrested (Mary Smith)
April 9, 1986	Merritt Williams gives first statement in Arthur Wilson case.
April 17, 1986	Sammy Mitchell arrested (Arthur Wilson)
April 18, 1986	Merritt Williams is served arrest warrant for Arthur Wilson murder (Williams was already in jail for Mary Smith)
April 18, 1986	Merritt Williams gives first statement in Blanche Bryson case
April 22, 1986	Darryl Hunt arrested (Arthur Wilson)
June 14, 1985	Darryl Hunt Trial 1 (Deborah Sykes) – conviction; appealed
June 17, 1986	Crimestoppers tip from anonymous sources implicating “Darryl” Johnson in Bryson murder and another unsolved murder
September 1986	Sammy Mitchell Trial 1 (Arthur Wilson) – hung jury
October 20, 1986	Sammy Mitchell Trial 2 (Arthur Wilson) – conviction
November 18, 1986	Williams pleads guilty in Arthur Wilson
August 4, 1987	Williams convicted in Blanch Bryson murder
August 6, 1987	Williams pleads guilty in Mary Smith case
October 2, 1987	Darryl Hunt Trial 1 (Arthur Wilson) – conviction; appealed
March 9, 1988	Robbin Carmichael, who is in jail on separate charges, implicates himself and Darren Johnson in Blanche Bryson’s murder.
March 16, 1988	Darren Johnson interviewed by WSPD. “Adamantly” denied any knowledge of or involvement in the murder of Blanche Bryson
June 27, 1988	Robbin Carmichael pleads guilty (Blanche Bryson)
November 7, 1988	North Carolina Court of Appeals grants Darryl Hunt a new trial in the Wilson case
March 26, 1990	Darryl Hunt Trial 2 (Arthur Wilson) – acquittal; Williams is called as a State’s witness
October 11, 1990	Darryl Hunt Trial 2 (Deborah Sykes) – convicted; appealed

Handout 4

DPS HOUSING OVERLAP COMPARISONS

Merritt Williams Drayton, Robbin Carmichaelⁱ, Darren Johnson, Sammy Mitchell, Darryl Hunt,
and James Fordⁱⁱ

PIEDMONT CORRECTIONAL

- Merritt Williams Drayton and Sammy Mitchell
 - 3/23/90 – 4/11/90
 - 9/12/90 – 10/5/90
 - *Bed assignment overlap n/aⁱⁱⁱ*
- Sammy Mitchell and Darryl Hunt
 - 8/21/91 – 2/20/92
 - *Bed assignment overlap: 2/4/92 – 2/20/92*
 - *DH: 4AB-012*
 - *SM: 4AB-006*
- Sammy Mitchell and Darren Johnson
 - 5/3/90 – 5/4/90
 - 1/31/91 – 1/22/92
 - 10/6/93 – 10/25/93
 - *No bed assignment overlap*
- Darryl Hunt and Darren Johnson
 - 8/21/91 – 1/22/92
 - *No bed assignment overlap*

*NOTE: Piedmont Correctional Institution is a minimum and medium custody facility.

CENTRAL PRISON

- Merritt Williams Drayton and Sammy Mitchell
 - 9/15/92 – 9/21/92
 - *Bed assignment overlap n/a*
- Merritt Williams Drayton and Robbin Carmichael
 - 7/1/88 – 2/15/90
 - 8/31/90 – 9/12/90
 - 5/22/91 – 6/4/91
 - *Bed assignment overlap n/a*
- Merritt Williams Drayton and Darren Johnson
 - 5/21/92 – 8/7/92
 - *No bed assignment overlap*
- Sammy Mitchell and Darren Johnson
 - 4/13/06 – 5/30/06
 - *No bed assignment overlap*
- Darren Johnson and Robbin Carmichael
 - 10/18/88 – 1/18/89
 - *Bed assignment overlap n/a*

- Merritt Williams Drayton, Robbin Carmichael, and Darren Johnson
 - 10/1/88 – 1/18/89
 - *Bed assignment overlap n/a*

*NOTE: Central Prison is a close custody facility.

CALEDONIA

- Merritt Williams Drayton and Darryl Hunt
 - 11/10/92 – 3/19/93
 - *No bed assignment overlap*

*NOTE: Caledonia Correctional Institution is a minimum and medium custody facility.

SOUTHERN

- Sammy Mitchell and Darren Johnson
 - 5/21/97 – 10/27/97
 - *No bed assignment overlap*

*NOTE: Southern Correctional Institution is a close custody facility. It is all single cells.

HARNETT

- Darryl Hunt and Robbin Carmichael
 - 3/7/96 – 3/13/97
 - *No bed assignment overlap*

*NOTE: Harnett Correctional Institution is a medium custody facility.

ⁱ No facility overlap between Robbin Carmichael and Sammy Mitchell.

ⁱⁱ No facility overlap between James Ford and Merritt Williams Drayton, Robbin Carmichael, Darren Johnson, Sammy Mitchell or Darryl Hunt.

ⁱⁱⁱ March 17, 1991 is the earliest date documenting the bed assignments for any of the above individuals; thus, bed assignment overlap cannot be determined prior to this date.

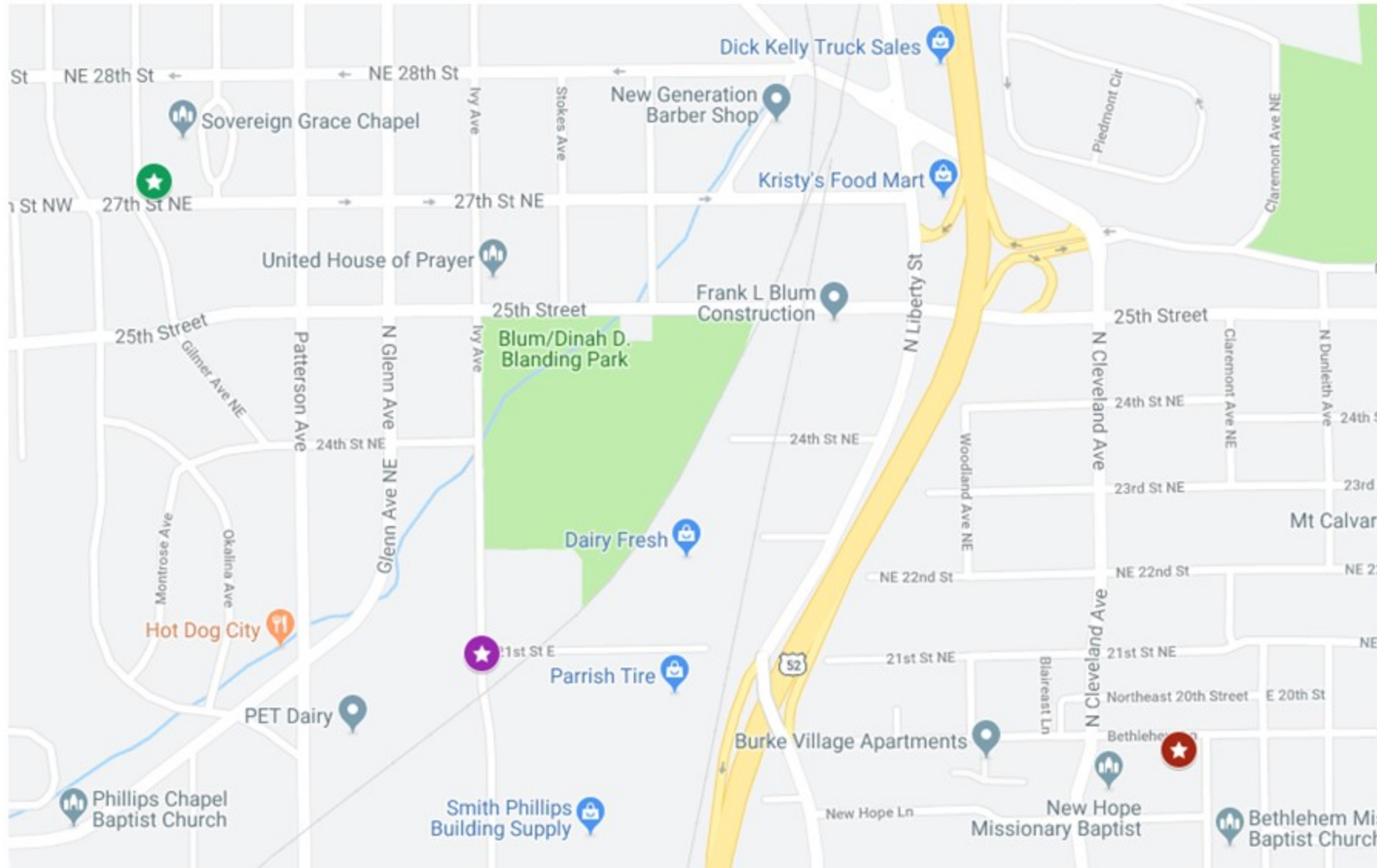
Handout 5

Case Assignment Chart for Law Enforcement, District Attorney's Office, and Defense Attorneys




	<u>Arthur Wilson</u>	<u>Blanche Bryson</u>	<u>Mary Smith</u>	<u>Deborah Sykes</u>
<u>Law Enforcement</u>				
Otis Belton	√			
Ken Bishop	√	√		
Sandra Boland	√			
Jeff Dorn	√	√		
Thomas Freeland		√		
Steve Hairston		√		
Teresa Hicks	√	√		√
Michael McCoy	√	√		√
Robert Spillman	√			
Riley Spoon	√	√	√	
Oscar Twitty (<i>d</i>)		√		
Randy Weavil	√	√		√
Mike Wilkins	√			
<u>District Attorneys</u>				
Charlie C. Walker	√			
Dean Bowman				√
Donald Tisdale	√	√	√	√
Eric Saunders (<i>d</i>)		√		√
Janet Branch		√		
James Yeatts				√
Warren Sparrow	√	√		
Robert Brown			√	√
Tom Keith				
Richard Lyle				√
<u>Defense Attorneys</u>				
Laurel Boyles	√ (Mitchell 1 and 2)			
George Bedsworth	√ (Mitchell 1 and 2)			
H. Glenn Davis	√ (Williams)			
Greg Davis	√ (Williams)			
Kevin Mauney	√ (Williams)	√ (Williams)	√ (Williams)	
Charles Redden	√ (Williams)	√ (Williams)	√ (Williams)	
Mark Rabil				√ (Hunt 1 and appeal)
Gordon Jenkins				√ (Hunt)
Adam Stein	√ (Hunt 1 and 2)			√ (Hunt 2)
James Ferguson	√ (Hunt 1 and 2)			√ (Hunt 2)
Ben Dowling-Sendor				√ (Hunt appeal)
Richard McGough				√ (Hunt MAR)

Handout 6

Map of Bryson Locations



Key:

-  Victim's Home
-  Location of where V's car was found.
-  Carmichael's Home

Handout 7

NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO.: 86 CRS 108809

STATE OF NORTH CAROLINA,

Petitioner,

vs.

MERRITT WILLIAMS DRAYTON,

Defendant.

T R A N S C R I P T

Robbin Carmichael

Recorded Telephone
Interview

This is the transcript of the recorded telephone interview taken of Robbin Carmichael, which was conducted by Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The recorded telephone interview took place on September 14, 2017.

APPEARANCES:

Catherine Matoian, Grant Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present: Robbin Carmichael, via telephone

1 P R O C E E D I N G S

2 MS. MATOIAN: Okay. Sorry about that. Thank you
3 for calling me back, Mr. Carmichael.

4 I'm not sure if you're familiar with our agency.
5 The Innocence Inquiry Commission is a state agency that
6 investigates claims of innocence by people who have been
7 convicted of crimes in North Carolina.

8 MR. CARMICHAEL: Yeah.

9 MS. MATOIAN: And we're currently -- and we don't
10 represent anyone; we're neutral. But we're currently
11 investigating a claim made by Merritt Williams. And I was
12 wondering if you had some time in the next few days where we
13 could come out and speak to you for a few minutes?

14 MR. CARMICHAEL: No, no, no, no. No. No. I
15 don't have anything to say for him.

16 MS. MATOIAN: Okay. Can I ask you one question?

17 MR. CARMICHAEL: Yes.

18 MS. MATOIAN: The -- the crime that you had pled
19 guilty to for the murder of Blanche Bryson, did you commit
20 that murder with Merritt Williams?

21 MR. CARMICHAEL: No, I did not.

22 MS. MATOIAN: You did not. Okay.

23 MR. CARMICHAEL: Nope.

24 MS. MATOIAN: Do you know Merritt Williams?

25 MR. CARMICHAEL: I met him in prison.

1 MS. MATOIAN: You met him in prison?

2 MR. CARMICHAEL: Yes.

3 MS. MATOIAN: Was that after you had taken the
4 plea?

5 MR. CARMICHAEL: Yes.

6 MS. MATOIAN: Okay. Did you know Blanche Bryson
7 at all?

8 MR. CARMICHAEL: No. Wasn't that the lady?

9 MS. MATOIAN: Yes.

10 MR. CARMICHAEL: No. I don't think I have unless
11 I -- I was younger and I went through the school system.

12 MS. MATOIAN: Okay. Were -- were you involved in
13 her death?

14 MR. CARMICHAEL: As they say, yeah. But I -- I --
15 I was taken to the house by a friend. And he went in the
16 house and I stayed in the car. And actually found out later
17 that the car he was driving, me and him, was -- was stolen,
18 was actually her car.

19 MS. MATOIAN: Okay.

20 MR. CARMICHAEL: But --

21 MS. MATOIAN: Who was that friend?

22 MR. CARMICHAEL: Darryl (sic) Johnson.

23 MS. MATOIAN: Darren Johnson?

24 MR. CARMICHAEL: Yes.

25 MS. MATOIAN: Okay. So he had taken you to her

1 house in a car that you later found out was her car?

2 MR. CARMICHAEL: Yes.

3 MS. MATOIAN: Okay. And what kind of car was it?

4 MR. CARMICHAEL: It's been a while. I think it
5 was a -- some kind of Buick.

6 MS. MATOIAN: Buick. Okay. Was it a car or
7 truck?

8 MR. CARMICHAEL: No, it was a car.

9 MS. MATOIAN: Car. Okay.

10 And do you know about how long he was in the
11 house?

12 MR. CARMICHAEL: It was about 10, 15 minutes.

13 MS. MATOIAN: Okay. And when he came out, did he
14 say anything about what had happened or what he had done?

15 MR. CARMICHAEL: No, no, he didn't say nothing.

16 MS. MATOIAN: Okay.

17 MR. CARMICHAEL: But I knew something was -- when
18 -- when he parked the car -- well, I think somebody or a
19 family member pulled up and he backed out and flooded the
20 car and the car finally cranked, then he sped off.

21 And, you know, I told him, I said, Look, let me
22 out of the car. You're going too fast. He had ran -- ran a
23 stoplight. And later on that night, he did park the car.
24 He saw (inaudible) anything.

25 MS. MATOIAN: Okay.

1 MR. CARMICHAEL: So it was just that's --
2 that's -- that's what he did. I knew -- and then he made a
3 statement towards me, if I say anything, he's going to kill
4 me. So --

5 MS. MATOIAN: He said to you that if you told the
6 police anything he was going to kill you?

7 MR. CARMICHAEL: Yeah.

8 MS. MATOIAN: Okay. And when did the police first
9 come and talk to you about this crime?

10 MR. CARMICHAEL: Well, I was on -- I was downtown
11 for something else and my lawyers, they wanted to know --
12 and my lawyers had said, If you know -- if you know anything
13 about it, let them -- let them know. So I did. And in
14 turn, they started investigating it and they found out that
15 I was telling the truth and -- but they actually turned it
16 around and said, For you to know so much, you must have been
17 there. So then they actually charged me with it and said I
18 was the Lieutenant.

19 So, you know, that's when -- well, district
20 attorney, K.W. Bishop, said, You going to burn for this.
21 From then on it was just like regardless of what I told
22 them, they didn't believe it. So I end up pleading guilty
23 to it to get -- get it over with. And --

24 MS. MATOIAN: Did you tell them about Darren
25 Johnson?

1 MR. CARMICHAEL: Yes, I did. He said he checked
2 and he -- he just like it -- I guess it -- he denied it. He
3 wasn't going to speak up. He denied it.

4 MS. MATOIAN: So he was never --

5 MR. CARMICHAEL: So then he --

6 MS. MATOIAN: -- charged with this crime?

7 MR. CARMICHAEL: No, no. No, he won't.

8 MS. MATOIAN: Do you remember what you and Darren
9 Johnson were wearing that night?

10 MR. CARMICHAEL: No, I can't -- no, I couldn't
11 tell you.

12 MS. MATOIAN: Okay.

13 MR. CARMICHAEL: I know -- I know he was -- he had
14 come to the house and his mouth was blooded up and I had
15 actually gave him a rag.

16 MS. MATOIAN: That's Darren Johnson?

17 MR. CARMICHAEL: Yes. And that's how he -- he
18 told me, he said, Well, I need to go to my girlfriend house
19 to get my property. So that -- that's how he got me to help
20 him. But then when I got there, I -- it just didn't feel
21 right.

22 MS. MATOIAN: Okay.

23 MR. CARMICHAEL: So then he walked -- they way he
24 walked up to the house without knocking or anything.

25 MS. MATOIAN: Okay. Did Darren Johnson have a

1 nickname?

2 MR. CARMICHAEL: Not that I know of.

3 MS. MATOIAN: Okay. Did you know someone named
4 Lieutenant, with the nickname Lieutenant?

5 MR. CARMICHAEL: Well, they was -- police was
6 calling me that.

7 MS. MATOIAN: Oh, they said that was your name?

8 MR. CARMICHAEL: Yeah. Thinking I knew too much,
9 so they -- that's what K.W., the detective, said, Look this
10 is -- you have to be the Lieutenant.

11 MS. MATOIAN: Okay.

12 MR. CARMICHAEL: By you knowing all this.

13 MS. MATOIAN: But that -- was that your like
14 nickname around town or that's just what they called you in
15 the paper?

16 MR. CARMICHAEL: That's what they just called me.
17 That's what he called me.

18 MS. MATOIAN: Okay.

19 MR. CARMICHAEL: Said I knew -- I knew too much --

20 MS. MATOIAN: Okay.

21 MR. CARMICHAEL: -- so I had to be the -- be in
22 charge.

23 MS. MATOIAN: Do you know someone named Hezekiah
24 Jackson?

25 MR. CARMICHAEL: No. I don't -- I can't recall

1 that name.

2 MS. MATOIAN: What about Isaiah Black?

3 MR. CARMICHAEL: No. I don't think I do.

4 MS. MATOIAN: Ricky Jenkins?

5 MR. CARMICHAEL: No.

6 MS. MATOIAN: Gerald Jackson?

7 MR. CARMICHAEL: No.

8 MS. MATOIAN: Terry Smith?

9 MR. CARMICHAEL: Terry Smith is -- I think he's a
10 drug dealer.

11 MS. MATOIAN: Okay. And what about Sammy
12 Mitchell?

13 MR. CARMICHAEL: I ran across him there, too.

14 MS. MATOIAN: In prison?

15 MR. CARMICHAEL: Yes.

16 MS. MATOIAN: Okay. And what about Willard
17 Harris?

18 MR. CARMICHAEL: I don't -- I can't recall his
19 name.

20 MS. MATOIAN: And these are two nicknames, but
21 John Boy or Gadgett?

22 MR. CARMICHAEL: No. I don't know either one of
23 them.

24 MS. MATOIAN: Okay. So I just want to be clear
25 that -- that I'm understanding what you're saying, that the

1 night that Ms. Bryson was killed, your friend Darren Johnson
2 had told you he needed to go to his girlfriend's house to
3 get some property. He took you there in a car.

4 MR. CARMICHAEL: Yes.

5 MS. MATOIAN: And then he was inside and you
6 stayed in the car?

7 MR. CARMICHAEL: Yes.

8 MS. MATOIAN: Okay.

9 MR. CARMICHAEL: Well, I actually did get out of
10 the car and went to the door, knocked on the door. There
11 was no answer. But I actually put my hands on the glass to
12 look in to see. The departmental light was off. And when
13 Darryl (sic) left, he turned the light on. So I mean -- and
14 then I remember somebody across the street coming up. I
15 don't know if it was daughter or the son.

16 MS. MATOIAN: Okay.

17 MR. CARMICHAEL: And Darryl came out of the house,
18 got in the car, backed up, and flooded the car. And
19 actually, once he got it cranked --

20 MS. MATOIAN: Uh-huh.

21 MR. CARMICHAEL: -- he sped off and went
22 through -- he -- he ran the lights. And I told him, I said,
23 Look, let me out, man, because you're going too fast. You
24 done already ran a light.

25 MS. MATOIAN: Uh-huh.

1 MR. CARMICHAEL: But he -- he never did. And I
2 didn't want to jump out. But when he parked it, it's -- he
3 started wiping everything down. And I knew. Then he made
4 the statement saying that, If you tell anyone, I'll kill
5 you.

6 MS. MATOIAN: Okay. And when -- are you saying
7 Darren like D-a-r-r-e-n or Darryl like D-a-r-r-y-l?

8 MR. CARMICHAEL: I would say Darryl.

9 MS. MATOIAN: Darryl?

10 MR. CARMICHAEL: Darryl Johnson.

11 MS. MATOIAN: Okay.

12 MR. CARMICHAEL: Yeah.

13 MS. MATOIAN: And so Merritt Williams was not with
14 you and Mr. Johnson that night?

15 MR. CARMICHAEL: No. I didn't -- I didn't -- I
16 didn't meet him until the first time in prison.

17 MS. MATOIAN: Okay.

18 MR. CARMICHAEL: And he -- he -- the first thing
19 he said -- I was in K dorm, which is the processing dorm,
20 and he was -- I think he was in O dorm. And he said, Man, I
21 didn't know that was you. And then I spoke -- I explained
22 to him that Darryl had -- had took me to the house, but, you
23 know.

24 MS. MATOIAN: You told him what happened?

25 MR. CARMICHAEL: Yeah.

1 MS. MATOIAN: Okay.

2 MR. CARMICHAEL: Yeah. That -- that Darryl had
3 took me to the house and that's how I got involved.

4 MS. MATOIAN: Okay. And when did you find out
5 that Ms. -- Ms. Bryson had been murdered?

6 MR. CARMICHAEL: I seen it on -- on the news.

7 MS. MATOIAN: Okay.

8 MR. CARMICHAEL: I think it was Crime Stoppers, I
9 think like that three days later or a week or so.

10 MS. MATOIAN: And did you make the connection at
11 that time between her murder and Darryl Johnson taking you
12 to that house?

13 MR. CARMICHAEL: Yup. Yeah. I knew -- I knew
14 then that I had been placed in -- in a situation that --
15 it's, you know -- I knew -- I knew I was involved then.

16 MS. MATOIAN: Okay.

17 MR. CARMICHAEL: And I felt that I should -- I
18 should tell somebody. Just so happened, I got locked up for
19 something else and I actually talked to the lawyer. And the
20 lawyer said, If you know anything, tell them. But they
21 didn't go -- I didn't tell them what it was.

22 MS. MATOIAN: And about how much -- how much time
23 passed in between when this happened and when you were
24 downtown for whatever else and you decided to tell the
25 police about this?

1 MR. CARMICHAEL: How long was I down --

2 MS. MATOIAN: Like so between the murder and when
3 you told the police the information that you had about the
4 murder, when -- how long was that?

5 MR. CARMICHAEL: I had been in jail for like, I
6 think, three months or so.

7 MS. MATOIAN: Okay.

8 MR. CARMICHAEL: I was waiting on a trial. I had
9 been down to Superior Court and I was just waiting for my
10 case to be called.

11 MS. MATOIAN: Okay. So it was about three months
12 before you talked to the police about this?

13 MR. CARMICHAEL: Yes.

14 MS. MATOIAN: Okay. Do you have -- have you had
15 any contact with Darryl Johnson since this?

16 MR. CARMICHAEL: No, no. Not that I -- I think I
17 ran across him in -- in prison. I'm not sure. I know I ran
18 across (inaudible).

19 MS. MATOIAN: Okay.

20 MR. CARMICHAEL: Ran into his brother. But I
21 haven't -- I don't know if he's still alive or not. He
22 actually -- my mama told me when I was in prison, he come by
23 the house. And I told her, I said, Look, don't trust him.
24 I explained to her everything that -- that happened. I
25 said, Call the police. If he come around your house, call

1 the police.

2 MS. MATOIAN: Okay. And had he come over any time
3 since?

4 MR. CARMICHAEL: No, not to my house here. He had
5 went to my mother's house.

6 MS. MATOIAN: Okay. Had he come -- has he been to
7 your mother's house since she told you about that?

8 MR. CARMICHAEL: Yeah. And I told her to call the
9 police if he show up again.

10 MS. MATOIAN: Okay. And so you haven't had any --
11 you haven't talked to Darryl Johnson about this case since
12 the time that you were arrested?

13 MR. CARMICHAEL: No, no. I don't -- I don't --
14 now, if I had -- I couldn't even -- I don't think I would
15 remember -- even remember his face, which is good.

16 MS. MATOIAN: Uh-huh.

17 MR. CARMICHAEL: What's done is done. But I don't
18 think I would -- I would probably would, but it would take a
19 little time for me to recognize where I know that person
20 from. But I haven't had any contact with him and don't plan
21 to.

22 MS. MATOIAN: Okay. Okay. Mr. Carmichael, do you
23 have a phone number if -- I think I've asked everything, but
24 in case I -- I think of anything else, do you have a phone
25 number I could get in touch with you at?

1 MR. CARMICHAEL: Yeah. (336) --

2 MS. MATOIAN: Okay.

3 MR. CARMICHAEL: -- 251 --

4 MS. MATOIAN: Okay.

5 MR. CARMICHAEL: -- 8600.

6 MS. MATOIAN: 8600. Okay. Thank you so much for
7 calling me back, Mr. Carmichael. And if you -- I know it's
8 been a long time. If you get to thinking about anything
9 else or remember anything else that may be helpful for us,
10 feel free to give me a call anytime, okay?

11 MR. CARMICHAEL: Okay. So this is about Merritt
12 Drayton?

13 MS. MATOIAN: Merritt Drayton, yes. He's -- he's
14 applied to the Commission claiming that he's innocent of
15 Ms. Bryson's murder. And like I said, we don't represent
16 him. We're a neutral state agency, so our job is just to
17 investigate his claim.

18 MR. CARMICHAEL: Yeah.

19 MS. MATOIAN: And -- and speaking of that, when
20 the police were talking to you about this crime, did they
21 ever mention Merritt Williams or Merritt Drayton?

22 MR. CARMICHAEL: Yes, yes. They -- they -- they
23 mentioned him, but I had never met him until when I was in.

24 MS. MATOIAN: Okay.

25 MR. CARMICHAEL: And -- but they had -- they had

1 -- they did mention him.

2 MS. MATOIAN: Okay. But you didn't know him at
3 that time?

4 MR. CARMICHAEL: No, no. I didn't -- I didn't
5 meet him until the first time that I was in prison.

6 MS. MATOIAN: Okay. All right. Well, thank you,
7 Mr. Carmichael. Like I said, if you think of anything else,
8 feel free to give me a call.

9 MR. CARMICHAEL: Okay. I will.

10 MS. MATOIAN: All right. Thank you. Bye.

11 MR. CARMICHAEL: All right. Bye-bye.

12 (End of the recording.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the 16 pages of this transcript of the recorded telephone interview of Robbin Carmichael was taken on September 14, 2017, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This the 1st day of May 2019.

A handwritten signature in blue ink that reads "Donna Rowe". The signature is cursive and fluid.

DONNA ROWE

Handout 8

1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
 2 COUNTY OF FORSYTH SUPERIOR COURT DIVISION
 86 CRS 018809

3
 4
 5 STATE OF NORTH CAROLINA,)
 v)
 6 Merritt Williams Drayton,)
 Defendant.)

7 DEPOSITION OF ROBBIN L. CARMICHAEL

8
 9 This is the transcript of the recorded deposition taken
 of Robbin L. Carmichael, which was conducted by Catherine Matoian,
 Staff Attorney, from the North Carolina Innocence Inquiry
 10 Commission. The recorded deposition took place on June 1, 2018,
 at Forsyth County Central Library, 660 West Fifth Street,
 11 Winston-Salem, North Carolina. The notarial oath was administered
 by Brian Ziegler.

12
 13 APPEARANCES

14
 15 Catherine Matoian, Staff Attorney
 NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
 16 Post Office Box 2448
 Raleigh, North Carolina 27602

17
 18
 19 Also Present: Brian Ziegler

20
 21
 22
 23
 24 Transcribed by: Victoria L. Pittman
 25 AOC-Approved Transcriber
 For Pittman Stenography

CONTENTS

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ROBBIN L. CARMICHAEL

Examination by Ms. Matoian

3

EXHIBITS

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1 ROBBIN L. CARMICHAEL,
2 having been called as a witness for the Commission, was affirmed
3 and testified as follows on EXAMINATION BY MS. MATOIAN:

4 Q. Okay, Mr. Carmichael. My name is Catherine
5 Matoian. I'm an attorney for the North Carolina Innocence
6 Inquiry Commission, which is a state agency that
7 investigates postconviction innocence claims.

8 I just have a few matters to go over with to begin
9 with.

10 You've been subpoenaed here today in the matter of
11 State versus Merritt Williams. You and Mr. Drayton were
12 both convicted of the murder of Blanche Bryson, and
13 Mr. Williams is claiming innocence.

14 I am going to hand you Exhibit Number 1 --

15 (Exhibit 1 marked.)

16 Q. -- which is the subpoena that was served on you to
17 be here today.

18 The Commission is a neutral fact-finding
19 investigative agency. We do not represent claimants and we
20 don't represent the prosecution in this case.

21 You've been subpoenaed here today because you and
22 Mr. Williams were both convicted of the same crime.

23 Have you ever testified at a deposition before?

24 A. Uh-uh.

25 Q. Have you ever testified in court before?

1 A. Uh-huh.

2 Q. No?

3 Okay. A deposition is similar to testimony in
4 court. You're under oath and are expected to answer
5 completely and truthfully.

6 Do you understand that?

7 A. Uh-huh.

8 Q. All right. You may want to answer questions
9 before I have completed them; however, please wait until you
10 hear the entire question before you answer.

11 Do you understand that request?

12 A. Uh-huh.

13 Q. And because inaudible responses like shaking your
14 head or nodding your head are sometimes difficult to record,
15 could you please provide verbal responses to my questions?

16 A. (No verbal response.)

17 Q. If you do not understand a question, that's okay.
18 Just let me know that you don't understand it and ask me to
19 clarify.

20 Do you agree to do that?

21 A. Uh-huh.

22 Q. And if you do not ask me to clarify a question, I
23 will assume that you understood it and have given a complete
24 response.

25 Is that understood?

1 A. (No verbal response.)

2 Q. And after you've given an answer, you may remember
3 more information later on in the deposition that responds to
4 that question. If that's the case, please stop me, tell you
5 remember more information, and then provide that
6 information.

7 Will you agree to do that?

8 A. Uh-huh.

9 Q. And if I believe I have a document that will help
10 you respond to a question, I will label it as an exhibit and
11 ask you to review the document.

12 If you believe that I may have a document that
13 will refresh your memory and help you respond, please ask to
14 see it and I will provided to you if I have it.

15 Do you understand that?

16 A. Uh-huh.

17 Q. And then, finally, if you find yourself getting
18 tired at any time during the deposition today, just let me
19 know and we'll talk about taking a break.

20 Is that okay?

21 A. Uh-huh.

22 Q. Okay. Is there any reason you can't give full,
23 complete responses in this deposition today?

24 A. I just want to forget it. I'm done with it.

25 Q. Okay. Are you currently under the influence of

1 any alcohol or drugs, whether illegal or prescription?

2 A. No.

3 Q. Okay. Do you have any medical conditions that
4 require ongoing treatment by a physician?

5 A. None that I know of.

6 Q. Okay. Are there any other circumstances or issues
7 preventing you in any way from giving truthful, accurate,
8 and complete testimony today?

9 A. No.

10 Q. All right. Did you examine or review anything in
11 preparation for this deposition today?

12 A. Uh-uh.

13 Q. Okay. Have you talked to anyone about this
14 deposition?

15 A. My boss.

16 Q. Your boss?

17 Okay. Did you discuss the subject of the
18 deposition or that you had to come?

19 A. I explained to him what happened.

20 Q. Okay. Have you been asked by anyone to withhold
21 information or misrepresent any facts during the deposition
22 today?

23 A. No.

24 Q. All right. Can you please state your full name
25 for the record.

1 A. Robbin Leon Carmichael.

2 Q. Okay. And what's your date of birth?

3 A. 10/27/1962.

4 Q. Okay. And what's your current address?

5 A. 108 Pender Street, Winston-Salem, North Carolina.

6 Q. Okay. And what's the best phone number for you?

7 A. (336)251-8600.

8 Q. And I know we saw you at your work last time, but
9 where do you currently work?

10 A. The bus station.

11 Q. And how long have you worked there?

12 A. February will be for years, I think.

13 Q. Okay. And I asked you this before, but I'm going
14 to ask you again under oath.

15 Do you have an attorney in this matter?

16 A. No, not right now.

17 Q. Okay. All right.

18 To start with, in your own words, can you tell me
19 what happened the night Blanche Bryson was killed? That was
20 December 10, 1985.

21 A. Well, I wasn't there. I was took there by a third
22 party, Darrell Johnson [sic].

23 Q. Okay.

24 A. And he gave me the story that his girlfriend and
25 the guy jumped on him. His mouth was bloodied up. I gave

1 him a face rag to wipe his mouth.

2 So we went over there, but first thing I asked him
3 was who caused this and he said it was his girlfriend. So I
4 didn't think nothing of it.

5 And --

6 Q. Who was his girlfriend?

7 A. He was using that as a story. That wasn't true.

8 Q. Okay. Did you know him to have a girlfriend
9 outside of this?

10 A. Yeah. Yeah. But --

11 Q. And what was her name?

12 A. I don't know. I didn't -- I didn't -- I wasn't
13 that tight with him. I was just -- you know, this is
14 personal business.

15 But he took me to the house and he went inside.
16 The lights was off in the house. So I gets out of the car,
17 go and put my hand on the glass -- storm glass. That's --
18 that's how they got my fingerprint.

19 And he stayed in there, I'd say, for probably
20 about 20, 25 minutes. I just felt uneasy; so I start
21 walking away. And about -- before I got around the corner
22 to 27th Street, I seen him come out of the house, crank the
23 car. He flooded the car and backed it up and it stalled,
24 but he kept trying and finally got it cranked.

25 And by -- I could actually see somebody parked on

1 the other side of the street and realized that, later on,
2 that was her son. Then Darrell got the car cranked and he
3 turned on -- turned on 27th, the left, tell me to come on.

4 And I -- I said, "What's going on, man?" And he
5 wouldn't tell me.

6 Well, I knew something was really wrong when he
7 started running red lights.

8 And they end up -- he ended up parking up there
9 by -- I'm not sure what that was. I think it might've been
10 Sealtest, one of the -- it might've been R.J. Reynolds at
11 the time, one of their buildings like a storage up there
12 on -- it's right -- oh, I can't recall the street, but it's
13 a one-way street and they actually had a like storage area.

14 He parked the car right there and started wiping
15 his fingerprints down on it. And I kept asking what was
16 going on. And he said, "Don't worry about it." And so I
17 started wiping my fingerprints off of the car too. And he
18 got out of the car. I asked him again, and he -- he got mad
19 and he was like, "Look," he said, "you tell anybody, I'll
20 kill you."

21 And from then on, we didn't have no more dealings.

22 I seen this on Crimestoppers. I said, "That house
23 look familiar." But then I got in -- I got arrested for
24 something, and I -- the lawyers told me, "If you can help
25 the police, help them." And by me telling them, they

1 actually -- K.W. Bishop actually turned it around, saying
2 that "Oh, you knew too much. You did it." So --

3 Q. Is that Detective Bishop?

4 A. Yeah.

5 And last thing is -- you know, he told me, he
6 said, "You're going to burn for this." So I know with the
7 *Miranda* law, anything can be used against me. But by me
8 saying something, I -- I admitted, you know, to them that I
9 knew, you know, like they say -- he said I knew too much, I
10 had to be there, but I was telling him it was a third party.

11 But he gave me this sad story, talking about he
12 talked to Darrell Johnson, but Darrell Johnson would never
13 say he did this.

14 But deep down, I really think Darrell -- he went
15 in and had sex with that lady. I really do.

16 Q. You think --

17 A. I think he did.

18 Q. Okay.

19 A. Because he went back to the house and stayed in
20 there. And when he come out, he was -- he was sweating.

21 So from then, I seen him one other time, but we
22 had no more dealings.

23 (Exhibit 2 marked.)

24 Q. I'm going to show you what I've marked as Exhibit
25 Number 2, and these are photographs of someone named Darren

1 Johnson.

2 A. Yeah.

3 Q. And I'd like you to take a look at these. These
4 aren't from around that time period of 1985, but I want you
5 to see if you recognize that man as the Darrell Johnson
6 you're speaking of.

7 A. It's been so long. Even if he was to walk up to
8 me now, I don't -- it look like him.

9 Q. That one does? Okay.
10 Do you know anything about Mr. Johnson, about his
11 family?

12 A. No. No. We used to stay up there on Patterson
13 and -- I think it was 2935. He stayed next door.

14 Q. Next door to you?

15 A. Yeah.

16 Q. Okay.

17 A. His mother and him and his, I think, sister.

18 Q. Do you know his mother or his sister's names?

19 A. No. No.

20 Q. Okay. So 2935 Patterson -- was that where he
21 lived or where you lived?

22 A. Where I lived.

23 Q. Okay. And you thought he lived next door?

24 A. Yeah. He lived next door.

25 Q. Okay.

1 A. Yeah. It looks like Number 1.

2 Q. Number 1? Okay.

3 Those are -- I just want to be clear. Those are
4 all the same man.

5 A. Yeah.

6 Q. I'm just trying to determine if that is the man.
7 His name is Darren Johnson.

8 A. Yeah.

9 Q. And you have been calling him Darrell Johnson.

10 A. Right. Yeah.

11 Q. I just want to make sure we're talking about the
12 same person.

13 A. Yeah. I don't even -- I don't even know -- I
14 wouldn't even know what he looked like now.

15 Q. Okay.

16 A. But that's the closest I can remember.

17 Q. Okay. Would you mind -- if you just would mark
18 that picture with your initials.

19 Thank you.

20 So at the time, you were living at 2935 Patterson
21 and Darren Johnson lived next door; is that correct?

22 A. Yes. When I first met him.

23 Q. Okay.

24 A. This was years -- years before this happened.

25 Q. Okay. So at the time, the night in December 1985,

1 were you still living at 2935 Patterson?

2 A. No. I was living at 1226 West 19th Street -- it
3 was called 19th Street then.

4 Q. 19th Street.

5 And it's not the same anymore?

6 A. No. It's Bethlehem. The same -- actually the
7 same house.

8 Q. Okay. All right. And do you know where Darren
9 Johnson was living at that time?

10 A. He was moving around, staying at different
11 people's house.

12 Q. All right. How long do you estimate you had known
13 Mr. Johnson before this happened?

14 A. I would say at least 10, 12 years.

15 Q. Okay. Did you two ever commit any crimes
16 together?

17 A. Uh-uh. No.

18 Q. Did you know him to commit any other crimes?

19 A. I knew he used drugs, but I didn't know it was
20 that bad. I really didn't know he was shooting up until he
21 spent the night one night and he was bathroom, and I caught
22 him with a syringe. And I didn't know he -- he was doing
23 drugs that heavy.

24 Q. Was he using heroin?

25 A. No. I think it was cocaine.

1 Q. Okay. Did you ever no him to commit any breaking
2 and enterings?

3 A. No. No. He never told me.

4 Q. So the only illegal activity you ever saw him
5 commit or he told you about was drug use?

6 A. Yeah. Yeah. That's it.

7 Q. So when Mr. Johnson came to your house that night,
8 what car was he driving?

9 A. It was -- I think it was a Skylark, gray with a
10 black top, I think.

11 Q. Okay. Had you ever --

12 A. A goldish gray -- I mean a gold -- gold color.

13 Q. Gold color?

14 Had you ever seen him drive that car before?

15 A. Uh-uh. No.

16 Q. Did he say how he got the car?

17 A. No -- yeah. When he told me, it -- he said his
18 girlfriend and the guy jumped on him, and he said she let
19 him use the car. But -- which would be real funny. If a
20 couple got in a fight, she wouldn't let you use her car.

21 Q. Okay. Did he have a car on his own?

22 A. Uh-uh. No.

23 Q. Did he have someone's car that he used regularly?

24 A. No.

25 Q. Did he give you the name of the girlfriend?

1 A. No. No, he didn't tell me.

2 Q. Did he give you the name of the man that jumped on
3 him?

4 A. No.

5 Q. When you got into the car, did you notice anything
6 inside of it?

7 A. No. No. Nothing out of the usual, just like any
8 other car. It was -- it was okay.

9 Q. Did it have any items in it that you noticed?

10 A. No. No.

11 Q. Okay.

12 A. But one thing that -- he did leave some jewelry,
13 and K.W. Bishop told me -- Detective K.W. Bishop told me
14 that was part of the -- her property.

15 Q. Okay.

16 A. So he actually left it in my house at the time.

17 Q. And when did you first see that jewelry?

18 A. About the night after he -- he left.

19 Q. Okay. Did either of you smoke in the car?

20 A. No. No, I didn't.

21 Q. Did Darren Johnson smoke?

22 A. No, I don't think -- no. He didn't smoke.

23 Q. Did you smoke?

24 A. No.

25 Q. Okay. Do you know the names of any of

1 Mr. Johnson's old girlfriends?

2 A. No. No.

3 Q. Okay. Any girls that he hung around with or was
4 sleeping with?

5 A. No.

6 Q. Okay.

7 A. He was kind of private with that.

8 Q. Okay. In between leaving your house and going to
9 what you found out later was Ms. Bryson's house, did you two
10 stop anywhere?

11 A. No. The only place he stopped was to ditch the
12 car. Like I -- like I was saying, he actually ran -- he ran
13 the light at 27th. He ran the light at 25th -- yeah, 27th,
14 25th. He ran the light down there by, I think, Patterson --
15 off of Patterson. Then he made a turn and went up the back
16 street and actually left the car in the area I was talking
17 about, the storage area.

18 Q. I'm talking about when he first comes to your
19 house and says his girlfriend and a guy jumped on him and he
20 wants you to come with him and then you end up at
21 Ms. Bryson's house, did you stop anywhere in between then?

22 A. No, no.

23 Q. You drove straight to her house?

24 A. Yeah.

25 Q. Okay. Did you recognize that house when you

1 pulled up to it?

2 A. No. No, I just -- in the (indiscernible).

3 Q. Okay. Did you know Ms. Bryson?

4 A. No. I -- I may have because I went -- probably I
5 had went to school -- I might have -- we -- paths might have
6 crossed. She was a cafeteria worker. I'm not sure what
7 school. Might've been -- I went to Lowrance, in that area;
8 so I don't know.

9 Q. Okay. Did Mr. Johnson tell you whose house that
10 was when you pulled up?

11 A. No. He just -- no.

12 Q. Okay. Did he park the car in the driveway or in
13 the street?

14 A. Yeah. In the driveway.

15 Q. Okay. Do you remember what side of the house the
16 driveway was on?

17 A. It was on the -- I think it was on the right.

18 Q. Okay. Did he say anything to you before going
19 into the house?

20 A. No. He just got out of the car. And when -- and
21 what really stood out, he walked into the house and there
22 was no lights on. That's unusual for any house. At least
23 one light would be on. And that's when I got out of the car
24 and went and looked at the -- looked through the glass,
25 through the storm door, and that's how they got my

1 fingerprint.

2 But I knocked on the door. There was no answer.

3 Q. Was the door open or closed?

4 A. Just -- yeah, the door was open.

5 Q. Okay. About how far was it open?

6 A. Well, no, no, not the main door.

7 Q. Okay.

8 A. The storm door was closed. But that's -- to me,
9 that's unusual in any neighborhood that the big door would
10 be open and no lights on.

11 Q. Did Mr. Johnson say that he had been to that house
12 before?

13 A. I can't recall.

14 Q. Okay. Did he ask you to come inside with him?

15 A. Yeah, but I just -- I just didn't feel right.

16 Q. Okay. Did you tell him you weren't coming inside
17 with him?

18 A. No, I didn't tell him. He just -- he just went
19 into the house.

20 Q. Did he tell you what he was going to do in house?

21 A. No. No, he didn't tell.

22 Q. Did he talk to you about any specific items he
23 needed to get?

24 A. Well, at -- at the house where I was staying at,
25 he was saying he needed to get his TV.

1 Q. Okay.

2 A. That's the only thing he told me, you know, that
3 he needed to get.

4 Q. Did you know him to have a TV before that?

5 A. Yeah. Because I had known -- I had -- a few
6 times, he was staying in like a rooming house and he had had
7 the TV.

8 Q. Okay. About how long were you waiting in the car
9 before you walked up to the house and put your hands on the
10 window?

11 A. I'd say about -- I say about 10, 15 minutes.

12 Q. Okay. Did you ever go inside the house?

13 A. Uh-uh. No.

14 Q. Okay. Do you remember telling a detective that
15 you may have taken one step into the house?

16 A. Uh-uh. I don't -- no. Because I -- the only
17 thing I did, I knocked on the door, but I actually put my
18 hand on the glass and looked in, trying to see.

19 Q. Okay.

20 A. No, I never stepped in the house.

21 Q. Have you ever been inside that house at any other
22 time?

23 A. Not that I can recall.

24 Q. When you're putting your hands on the glass and
25 knocking on the door, could you see inside the house?

1 A. No. No. It's dark.

2 Q. Okay. Could you --

3 A. All the lights was off.

4 Q. Could you hear anything inside the house?

5 A. No.

6 Q. Did you see Ms. Bryson?

7 A. No.

8 Q. Did you see Mr. Johnson?

9 A. No.

10 Q. Did you say anything when you were knocking on the
11 door?

12 A. No. I just knocked on the door.

13 Q. Okay. Do you remember telling a detective that
14 you saw a shadow by a chair and heard heavy breathing by the
15 TV?

16 A. Uh-uh. No.

17 Q. Okay. Why didn't you go inside at that point,
18 when no one answered?

19 A. I just -- I just didn't -- it seemed unusual for
20 someone to go in a house, no lights on, the door open, and
21 they like, you know -- if somebody go in a house, they're
22 going to turn the lights on if the lights are off. He
23 didn't turn the lights on.

24 So it's just -- just didn't sit right.

25 Q. Did you kill Ms. Bryson?

1 A. No, I didn't. No.

2 Q. Did you see Mr. Johnson kill Ms. Bryson?

3 A. No.

4 Q. Did Mr. Johnson tell you he killed Ms. Bryson?

5 A. No.

6 Q. Was anyone else with you and Mr. Johnson?

7 A. No.

8 Q. Was Merritt Williams with you?

9 A. No.

10 Q. About how long was it between when you got back in
11 the car and when Mr. Johnson came out of the house?

12 A. It was -- it was probably -- well, I had got --
13 already got out of the car. I started walking towards 27th
14 Street. After knocking on the door, about five minutes
15 later, I seen the car pull across the street, which, later
16 on, found out that was her son.

17 And Darrell had actually got in the car and backed
18 up and flooded the car. He tried to get it cranked. Didn't
19 crank on the first time, but the second time, it cranked.
20 And he seen me when I went on the -- when I was on 27th; so
21 he told me to come on, and I ended up getting in the car.
22 And then that's when he started running red lights.

23 Q. Did Mr. Johnson bring anything out of the house
24 with him?

25 A. No, nothing big that I could see. But like I was

1 saying, the jewelry -- small package, he left them at the
2 house later on. But nothing big that I could see.

3 Q. Do you remember seeing a bag inside the car?

4 A. No. I didn't pay attention.

5 Q. Did you remember seeing any items of clothing?

6 A. Uh-uh.

7 Q. Or a plate?

8 A. Uh-uh. I didn't -- I didn't even look behind.

9 Q. I'm going to hand you -- I'm going to mark Exhibit
10 Number 3.

11 A. Uh-huh.

12 (Exhibit 3 marked.)

13 Q. This is a -- I have lost my stickers -- this is
14 the current map of the area where Ms. Bryson's house was and
15 the area where the car was left.

16 I'm just going to point out to you that this is
17 Ms. Bryson's house right here.

18 A. Uh-huh.

19 Q. And this is the area where the car was left.

20 MS. MATOIAN: Do you have that red marker?

21 A. Yeah. That's where it was left.

22 Q. Okay.

23 A. It's like a little storage area right there.

24 There was one on -- it's --

25 Q. Okay.

1 A. It's a dead-end street.

2 Q. Okay. I'd like you to show me on this -- when you
3 said the other car pulled up --

4 A. Uh-huh.

5 Q. -- what direction were they coming from?

6 A. They was coming from -- he was coming down the
7 hill; so that means he had to turn off of, I think, 30th --
8 was that be 30th Street?

9 Q. Okay. So when he came to the house, was he coming
10 in the direction of 28th Street?

11 A. Yeah. Because he -- he come down -- he was on a
12 hill.

13 And where is it? See, the park --

14 Q. The victim's house is on this side of the street.
15 The park is right here.

16 A. He parked -- he parked right beside the park.

17 Q. Okay. So facing 27th Street?

18 A. Yeah. Yeah.

19 Q. Okay. And so when Mr. Johnson is backing out of
20 the driveway, what direction is the car in as he backs out?
21 Is it going towards 27th or towards 28th?

22 A. He's backing toward 28th, but he is facing 27th
23 Street.

24 Q. Okay. So he was backing towards 28th but facing
25 27th, and you said he picked you up on 27th?

1 A. 27th Street.

2 Q. Okay. If you're able to remember, can you draw in
3 red marker how you two got from Ms. Bryson's house to this
4 area?

5 And it is a newer map so streets may have
6 changed --

7 A. Uh-huh.

8 Q. -- but to the best of your ability ...

9 A. Okay. This is her house; right?

10 Q. So her house is right here. 27th Street is right
11 here. She's in this -- this cross street.

12 A. This is Patterson. And I'm not sure about that
13 street right there.

14 Q. Okay.

15 A. But he made a turn right there and ditched the car
16 right there.

17 Q. Okay.

18 A. This -- like I say, I'm not -- it's not complete,
19 but that's the way we went because I know he ran --

20 Q. Okay.

21 A. -- quite of few -- it might have been this street.
22 But I know he ran at least three lights.

23 Q. Okay.

24 A. 27th, Patterson -- I'm not sure if that's the
25 street.

1 Q. Okay. Could you initial and date at the bottom of
2 that just so that it's clear that you wrote?

3 A. Sorry.

4 During the drive, while he's running red lights,
5 did you say anything to Mr. Johnson?

6 A. I kept asking him what was going on.

7 Q. Okay. Did he respond to you?

8 A. No. No.

9 Q. Okay. Had you been --

10 A. Well, yes, he did. He said, "You don't need to
11 worry about it."

12 Q. Okay. Have you ever had another experience with
13 Mr. Johnson similar to this?

14 A. No. That right there strained -- because I really
15 knew what was going on after I seen it on Crimestoppers.

16 Q. Okay.

17 A. I knew. Because I said, "That house looks
18 familiar."

19 Q. Okay. Had you been doing drugs that night?

20 A. No. No.

21 Q. Okay. Were you using drugs in general at that
22 time?

23 A. I smoked marijuana.

24 Q. Okay. Had he been doing drugs at night?

25 A. No, but I do remember he went and got some.

1 Q. Okay. When did he get drugs?

2 A. I think later on that night.

3 Q. Okay. Were either of you drinking?

4 A. No. No.

5 Q. Who did he buy the drugs from?

6 A. He bought them down there -- I think it was a
7 liquor house.

8 Q. Okay. Do you know the area that the liquor house
9 was in?

10 A. It was down there by Lafayette somewhere.

11 Q. Lafayette? Okay.

12 And was he buying cocaine?

13 A. Yeah, he bought cocaine.

14 Q. Okay.

15 A. And -- yeah, he bought cocaine.

16 Q. Did Mr. Johnson tell you why he stopped and left
17 the car where he did?

18 A. No. But when he start wiping it down, I knew
19 something was seriously wrong; so I did the same thing and
20 asked him, I said -- you know, I kept asking him, "What's
21 going on?" And that's when he made a statement saying, you
22 know, "You tell anybody, I'll kill you."

23 Q. Okay. And did you say anything back to him when
24 he said that to you?

25 A. No. I was shocked.

1 Q. Okay. When did you first see those -- the items
2 of jewelry?

3 A. It was like the night after he headed out.

4 Q. So you didn't see him take those out of the car?

5 A. Uh-uh. No.

6 Q. Okay. I don't know if the area where your house
7 was is on this map, but how did you two get back to your
8 house from where you left the car?

9 A. Well, the dead alley -- we walked up the street,
10 the expressway, crossed the median.

11 Q. Okay.

12 A. Walked across the expressway and then we was going
13 down -- that's 19th Street.

14 Q. Okay. I think that's probably outside the area of
15 the map, but could you draw an arrow indicating that you
16 went towards the expressway from where you left the car?

17 A. Okay. That's Boone Park.

18 Draw an arrow where?

19 Q. Just showing the direction you were going in to
20 get back to your house.

21 Okay. Thank you.

22 Did you stop anywhere along the way going back to
23 your house?

24 A. No. No.

25 Q. Did you see anyone you knew?

1 A. No. I can't recall.

2 Q. Did Mr. Johnson see anyone that he knew?

3 A. Uh-uh.

4 Q. Okay. After Mr. Johnson told you that he was
5 going to kill you, did you have any other conversation that
6 night about what had happened?

7 A. Yeah. Because I really didn't -- I really
8 didn't -- you know how people say stuff sometime. I didn't
9 take it seriously. I was shocked that he would say that,
10 but come to find out later on that he had actually killed
11 somebody -- him and -- I can't say -- well, I don't know for
12 sure about Drayton. But he did tell me that somebody else
13 was with him, and he never -- he never told me who it was.

14 But it's just -- after that night, I was shocked
15 that he said it, but I didn't -- it really didn't dawn on me
16 until that next morning that he had -- he had slept there
17 and then he left. He didn't say nothing. He just left the
18 door unlocked.

19 Q. When he said someone was with him, did he -- did
20 he tell you that he killed Ms. Bryson?

21 A. No. He didn't say. He just said somebody else
22 was with him.

23 Q. Did he tell you anything else about that person?

24 A. Uh-uh. No, he didn't tell me.

25 Q. Okay.

1 A. He said -- he said not to even worry about it.

2 Q. He said -- when was that person with him?

3 A. It was -- it had to be earlier on because he had
4 to come pick me up. But over the time, I thought about all
5 this. They -- well, I can't say Merritt. I don't know.
6 They had went there earlier.

7 So in turn, they went -- Darrell took me back to
8 the house, and that's when I found out that somebody else
9 had been there with him. So --

10 Q. Did Mr. Johnson tell you specifically he had been
11 there earlier that day? Or is that just you putting pieces
12 together?

13 A. No. He actually said that he needed to go back
14 later on.

15 Q. Okay.

16 A. Because he did say that. He said, "I need to go
17 back over there and get my TV."

18 Q. Okay.

19 A. "And my other stuff."

20 Q. Okay. When you two got back to your house, did
21 anyone else come over?

22 A. Uh-uh. No.

23 Q. Other than the time Mr. Johnson got drugs, did
24 either of you leave?

25 A. Yeah. He actually sent me to get him some more

1 cocaine.

2 Q. Okay. And where did you go to get the cocaine?

3 A. The same place, right off -- right before I got to
4 Lafayette.

5 Q. Going back to what we were just talking about, did
6 Darren Johnson say how much earlier he had been --

7 A. No.

8 Q. -- at the house?

9 A. No.

10 Q. Was it light or dark out when he came to your
11 house?

12 A. It was kind of almost -- not dark, but it was dusk
13 dark.

14 Q. Okay. And how long were you both at your house
15 before you left and went to Ms. Bryson's?

16 A. Well, as soon as he got there, he knocked -- I
17 heard the knock on the door. And I opened the door, and his
18 mouth was bloodied up. And I gave him a face rag, and, you
19 know, I got to -- gave him time to fix his mouth. And he
20 told me that he needed to go get his stuff.

21 So once he did that, it wasn't even five minutes
22 when we left.

23 Q. Okay. Other than the jewelry, did Mr. Johnson
24 talk about any other items he had gotten from that house?

25 A. No. No.

1 Q. Any money?

2 A. He had money. He wouldn't tell me how much. He
3 had money.

4 Q. When did you first see the money?

5 A. When he pulled out a wad.

6 Q. And when was that?

7 A. This was as we was going to get the cocaine the
8 first time.

9 Q. Okay.

10 A. And then he --

11 Q. So it was after you had left Ms. Bryson's house?

12 A. Yeah.

13 Q. Okay.

14 A. And then another time, when he sent me to go get
15 some more -- I can't say how much it was, but I know it was
16 quite a bit.

17 Q. Did he usually have money on him?

18 A. Not like that because he didn't work anywhere.

19 Q. Okay. So he wasn't working at the time?

20 A. No.

21 Q. What did he usually do for money?

22 A. Little odd jobs.

23 Q. Okay. Why did you decide to keep those items of
24 jewelry?

25 A. I don't know. I just -- I don't know. I just --

1 I didn't throw them away. I just -- uh-uh. I just didn't
2 throw them away. I didn't -- I didn't know it was from a
3 actual murder investigation. I don't know. I guess -- I
4 guess -- I guess God didn't want me to throw them away
5 because it just so happened that right there was a piece
6 that helped them convict me. So -- because they didn't
7 actually believe me when I was telling them about all this
8 and they actually -- at the time I was in jail, they
9 actually took me in handcuffs to the house and I got the
10 jewelry and gave it to them. And I guess they took it to
11 the son and the son recognized it and said, "Yeah, this" --
12 yeah.

13 So they actually charged me with auto theft of her
14 car, larceny, the murder -- they charged me with everything.

15 Q. I want to go back to Crimestoppers.

16 A. Uh-huh.

17 Q. Was that the first time you heard Ms. Bryson had
18 been murdered?

19 A. I didn't -- well, I seen it on TV and I said,
20 "That house look familiar."

21 Q. Okay.

22 A. It was -- that was the time -- but I still didn't
23 say nothing. I didn't actually -- I forgot what it was that
24 I got arrested for, and my lawyer just told me "If there's
25 anything you can do to help the police" -- and I actually

1 told one of the detectives, and then he went and got K.W.
2 Bishop. And I explained it to him. But they never did
3 really think I was telling the truth.

4 But K.W. Bishop said, "You know too much. You had
5 to be the lieutenant."

6 So by me actually saying this and that, I actually
7 incriminated myself. They trying to -- like I said, with
8 the *Miranda* law, anything can be used against you.

9 So I just -- I knew it was over; so -- I had been
10 in jail for over six months, and I was tired.

11 Q. Going back to before you were arrested -- I know
12 you said that you and Mr. Johnson were strained after this
13 night and you only saw him one other time.

14 A. Uh-huh.

15 Q. Did you talk about this crime?

16 A. Uh-uh. No.

17 Q. At that time, had you seen the Crimestoppers tape?

18 A. Yeah. I had -- I seen it, yeah, before I met him
19 the last time.

20 Q. Did you directly ask him if he had killed
21 Ms. Bryson?

22 A. No. No.

23 Q. Okay. Were you scared of Mr. Johnson?

24 A. No. But, you know, like I said, you know,
25 sometimes God has a way even though it's bad. But I really

1 wasn't scared of him, but I was leery of him.

2 Q. Okay.

3 A. Because he actually could have killed me the night
4 he slept over. It just so happened he didn't. And I had
5 never seen him -- I didn't even know he did -- shot up
6 cocaine. And he was -- he wasn't looking -- he was looking
7 crazy. So, you know, I said that's the end of that.

8 Q. Okay. In between the night that Ms. Bryson was
9 killed and when you were arrested on unrelated charges, did
10 you tell anyone else about this night?

11 A. Well the whole cellblock found out.

12 Q. I'm talking about prior to you getting arrested.
13 Did you tell your family, friends, a girlfriend?

14 A. I told my family afterwards I got charged with all
15 this. And my mother, she was saying that Darrell had
16 actually tried to talk to her. I said, "Look, be leery of
17 him. Don't mess with him. Be careful."

18 Q. Do you remember when that was?

19 A. No. I was actually -- at the time, I was actually
20 in prison then.

21 Q. Do you remember what prison you were in?

22 A. I think it was Odom, Odom Farm.

23 Q. Okay. So other -- telling your family after you
24 had been arrested; but prior to that, you didn't have a
25 girlfriend that you told?

1 A. Uh-uh.

2 Q. Did you have a close friend that you told?

3 A. Not that I can recall.

4 Q. Do you know how long it was in between when
5 Ms. Bryson was killed and when you told the police what you
6 knew about this?

7 A. I think it was almost like two years later.

8 Q. Okay.

9 (Cell phone interruption.)

10 A. Excuse me.

11 Q. Do you remember what you had been arrested for?

12 A. I can't recall. I would say marijuana, but I
13 don't -- I think it was breaking and entering. I'm not
14 sure. I forgot.

15 Q. Did you commit a lot of breaking and enterings?

16 A. No. No.

17 Q. Did you break into people's houses?

18 A. No. No. This was something that happened at the
19 convention center.

20 Q. Okay. Prior to your attorneys telling you that if
21 you knew anything, you should say it, had the police
22 mentioned Ms. Bryson's murder to you at all?

23 A. Uh-uh. No.

24 Q. Okay. So you were the first one to bring that up?

25 A. Yeah.

1 Q. Okay. Were you providing that information hoping
2 to get a deal?

3 A. I would say as far as -- yeah. Yeah.

4 Q. Were you promised --

5 A. Well, in a way. But mostly, you know, when
6 somebody knows something, they want to get off their chest.
7 And that was -- it was -- even though it was bad, I was glad
8 I had told somebody and got it off my chest.

9 Q. Did you tell your attorneys all of that before
10 talking to the police?

11 A. I didn't -- I didn't tell them nothing. They
12 didn't know I knew about a murder.

13 Q. Okay.

14 A. And they -- the first thing, when I was arraigned,
15 they said, "I wish I'd've -- we wish you would have told
16 us," but "You told me to go ahead and help them if I knew
17 anything."

18 And -- but he was -- to me, what he was actually
19 saying, "If we didn't knew it was murder, we would have told
20 you not to say nothing." But ...

21 Q. You say you wanted to get it off your chest.

22 Had you been wanting to get it off your chest?

23 A. Yeah. Yeah. Because I knew about it. And when I
24 seen it on Crimestoppers, they were just like the -- I knew
25 Darrell had did that.

1 Q. Other than K.W. Bishop, what other detectives do
2 you remember speaking to you?

3 A. I think it was Sanders. It was -- it was -- I
4 can't -- I know it -- I think it was three.

5 Q. Okay.

6 A. I'm not sure about the last one.

7 Q. Had you had dealings with them before?

8 A. Well, Samuels -- they was two undercover agents.
9 I was actually helping them actually set people up for drug
10 deals.

11 Q. Uh-huh.

12 A. And that's how I -- I know both of them.

13 Q. Which ones?

14 A. I can't remember. It was always a pair. Sanders
15 and I can't remember the other officer name, but they was
16 always together.

17 Q. Okay. Do you remember being given a polygraph
18 exam or --

19 A. Yeah. Yeah.

20 Q. Okay. Did they tell you what the results of that
21 were?

22 A. He said I passed.

23 Q. Okay. And did you tell him the same thing you've
24 said today?

25 A. Uh-huh.

1 Q. Do you know how many times -- other than when you
2 talked to the police and told them what you knew and the
3 polygraph, did you speak to them at any other time?

4 A. Quite a few times. It's just like they was trying
5 to get the bits and pieces because I had got tired of them
6 coming, getting me out of the cell.

7 Q. Okay.

8 A. And, in turn, the guys in the cell were saying,
9 you know, they thought I was snitching but found out later
10 on, because they like ganged up on me saying, "You should've
11 your mouth shut." So ...

12 Q. Did you tell those guys in the cell?

13 A. No. They found out on their own.

14 Q. Okay.

15 A. There's -- sometimes, in jail, there's no secrets.
16 Because it's always -- information will always leak.

17 Q. Okay. When did you first hear the name Merritt
18 Williams or Merritt Drayton?

19 A. K.W. Bishop brought it up.

20 Q. Okay. And what did he ask you about Mr. Williams?

21 A. He was asking me was he there. And I said, "I
22 don't know him. I don't" -- you know. I told him I didn't
23 know him.

24 Q. Was that true?

25 A. Yeah, it's true. I didn't actually meet him until

1 the first time processing -- I was in K Dorm and he was in
2 O Dorm. And the first thing he said --

3 Q. What prison was that?

4 A. Central Prison.

5 Q. Okay.

6 A. And he -- he said, "Man, I didn't know that was
7 you." I think he thought I was Darrell.

8 Q. Okay.

9 A. So you know ...

10 Q. When they asked you about Merritt Williams, why do
11 you think he thought you were Mr. Johnson?

12 A. I don't know. I never asked him. You know, I was
13 leery of him, you know, but -- I could be assuming and I
14 could be wrong, but I didn't think he thought I was the
15 person that he wanted me to be.

16 Q. Okay. Did Mr. Johnson and Mr. Williams know each
17 other?

18 A. I'm not sure. I never had any -- I never seen
19 them together; so I don't know.

20 Q. Had you ever heard Mr. Johnson mention someone
21 named Merritt?

22 A. Uh-uh. No.

23 Q. When they were asking you about Merritt Williams,
24 did they tell you that he had also been convicted of this
25 crime?

1 A. Later -- later on, yeah, they did say something
2 later on, that -- because the way K.W. Bishop was saying
3 that, "We talked to Darren Johnson. We also talked to
4 Merritt Williams," and that's when he said, "We're going to
5 go ahead and charge you." And, you know, the last thing he
6 said to me, "I'm gonna see you burn." And that was the only
7 time that he said something to me about him.

8 Q. Who were your defense attorneys?

9 A. Lowell Boyles (phonetic). And I'm not sure about
10 the other one.

11 Q. Can you spell that?

12 A. Lowell or Boyles?

13 Q. Lowell?

14 A. Lowells? Yeah --

15 Q. Like L-o-w-e-l-l?

16 A. I think so.

17 Q. And Boyles, B-o-y --

18 A. Well, no, that's one person.

19 Q. Oh, okay.

20 A. I just thought about his name too. I just thought
21 about his name. Lowell Boyles and -- shoot ...
22 (indiscernible). I can't remember.

23 Q. Were they white or black?

24 A. They was white.

25 Q. White?

1 Do you know about how old they were?

2 A. They would be close to about -- at the time, I
3 would say late fifties.

4 Q. Late fifties? Okay.

5 Were your defense attorneys aware that Merritt
6 Williams had also been convicted of this crime?

7 A. I don't -- I don't know. I think -- I can't
8 remember his name, but the lawyer, my first lawyer told me
9 that -- after he told me that "I wish I'd've knew you knew
10 about a murder," that he would've advised me, you know, not
11 to say anything. But -- I don't know. I don't know.

12 Q. Do you know if your attorneys ever went to go
13 speak to Merritt Williams?

14 A. No. I don't know.

15 Q. Okay. Did you tell them about Mr. Johnson?

16 A. Yeah, eventually, I did. Because everything I
17 told -- I told the police, I told them.

18 Q. Okay. Do you know if they went to go speak to
19 Mr. Johnson?

20 A. I don't know.

21 Q. Okay. Do you know if they interviewed anyone in
22 this case?

23 A. I don't know.

24 Q. Did they hire a private investigator?

25 A. I don't know.

1 Q. Okay. Do you still have any paperwork related to
2 your case, any discovery that your attorneys received?

3 A. Uh-uh.

4 Q. Okay.

5 A. No. Well, see, the only thing about that -- I end
6 up -- by me telling them everything, you know, I said,
7 "Well, I'm done. I'm done." Everything I said to them,
8 they were going to use against; so I ended up pleading
9 guilty to get it over with.

10 Q. That's why you took the plea?

11 A. Yeah. Yeah. Because it was no way for me to
12 prove my innocence. And I -- when K.W. Bishop told me -- he
13 said, "You're going to burn for this," and I had never faced
14 anything harsh like, you know, death penalty. So it scared
15 me. So -- and that's the only reason why I took the plea.

16 Q. Did your attorneys talk to you about taking the
17 plea?

18 A. Yeah, they did. They did.

19 Q. Were they in court with you when you took the
20 plea?

21 A. Yeah. Both of them, yeah.

22 Q. Okay. If we were able to find out the names of
23 your attorneys, would you be willing to sign a voluntary
24 release for their files?

25 A. Yeah. Yeah.

1 Q. Okay. We will try the directory once we're done.

2 A. The last one was, I think, Stuart.

3 Q. Stuart? Okay.

4 A. Stuart.

5 Q. Was he also white?

6 A. Yeah.

7 Q. And late fifties?

8 A. (No verbal response.)

9 Q. Was Stuart his first or last name?

10 A. I think that was his last name.

11 Q. Okay.

12 A. Boyles was -- Boyles was the last name on him, but
13 I don't know -- I'll look at -- I got the paper article. I
14 don't know if -- how good condition it is. But I'll -- just
15 give me your number, and I'll call you and give you both the
16 names.

17 Q. Okay.

18 A. But I do know Lowell Boyles and I'm not sure about
19 the other one.

20 Q. Okay. I know you said you met Mr. Williams in
21 Central Prison.

22 How did you get to discussing your cases?

23 A. We didn't. I just -- you know, I was -- I was
24 kind of bitter toward him, that he put me in this position.

25 Q. Do you think Mr. Williams is involved in this

1 case?

2 A. Well, I mean -- not Mr. Williams. I'm thinking
3 about Johnson.

4 Well, with him -- because I ran across Darrell too
5 in prison -- that's the one I was thinking about.

6 He -- the first time I met him, he was -- he was
7 saying that he was innocent of this. I don't know. I don't
8 know. I can't say. But --

9 Q. Has he -- in all of your conversations, whenever
10 you ran across each other in prison, has he always
11 maintained his innocence?

12 A. Yeah. He's saying he -- he's trying to get back
13 into court. But, you know, Darrell, you know, I ran across
14 his path, too, in prison.

15 Q. What prison?

16 A. I think it was Dan River. I also ran across his
17 brother too.

18 Q. Do you remember his brother's name?

19 A. No. No.

20 Q. Did he have the same last name?

21 A. I'm not sure.

22 Q. Does the last name Leak ring a bell?

23 A. Might have been. I think they was different --
24 had different fathers.

25 Q. Okay. Did you and Mr. Johnson talk about this

1 case in prison?

2 A. No. No. We didn't -- like I was saying, that I
3 was kind of bitter toward him that he put me in this
4 position. And, you know, I just -- you know, "How you
5 doing?" and kept going.

6 Q. Okay. Was that the only time you were in prison
7 together?

8 A. Yeah. Yeah.

9 Q. Okay. So you've not seen him since Dan River?
10 Not even since you've been --

11 A. Not that I can --

12 Q. -- out?

13 A. -- recall. Because like you say, I barely
14 remember that picture. I'm going on how he looked young.

15 Q. Okay. Did you speak to anyone else in prison
16 about this case? Any friends?

17 A. A few that was like makeshift lawyers.

18 Q. Okay. And who were those guys?

19 A. I can't recall. I -- I talked to so many.

20 Q. Do you remember what prisons they were in?

21 A. Central Prison. Talked to a guy in the law
22 library. I went in there and read some law books. He
23 advised me to just go in there and read anything pertaining
24 to pleading -- plead guilty.

25 Q. Uh-huh.

1 A. That was mostly the -- it was one person down at
2 Odom Farm, but that didn't work out.

3 Q. Do you remember his name?

4 A. No. No.

5 Q. Have you ever told anybody a different story than
6 the story you told me today and the story you told the
7 police about Ms. Bryson's murder?

8 A. Uh-uh. Uh-uh.

9 Q. Have you ever told anyone that Mr. Williams was
10 with you and Mr. Johnson?

11 A. No. I never said anything.

12 Q. Okay. I know we talked about this a little bit
13 earlier. I'm just going to ask you again and see if you can
14 remember.

15 Do you remember the names of anyone in
16 Mr. Johnson's family?

17 A. No. No. It's been a long time.

18 Q. Was his sister older or younger?

19 A. I think he did have a older sister.

20 Q. Other than that address next door to you on
21 Patterson Street, can you remember anywhere else that he
22 lived?

23 A. No. He -- he usually lived in the rooming house.

24 Q. Okay. When you were in prison with Mr. Wilson
25 [sic], did he ever mention anything about somebody named

1 Arthur Wilson?

2 A. Who? Merritt?

3 Q. Uh-huh.

4 A. Yeah. He did, I think, because they was -- I
5 think he was -- him and -- they was tried together on
6 something else. Yeah. And -- no, no, no, no, no.

7 Correction. No.

8 Say his name again? Merritt?

9 Q. Arthur Wilson or Sammy Mitchell.

10 A. I remember -- because I was -- I knew a guy named
11 Johnny Gray. He knew Sammy Mitchell.

12 Q. Okay.

13 A. And he was talking about his case.

14 Q. Sammy Mitchell was talking about his case?

15 A. No. Johnny Gray was talking about Sammy Mitchell
16 case.

17 Q. Okay.

18 A. And because -- and Darryl Hunt. Because I ran --
19 I didn't know -- really know Sammy Mitchell, but -- but me
20 and Darrell, we had talked -- because he read up -- he found
21 out who I was and he talked to me.

22 Q. Oh, you spoke to Mr. Hunt about this in prison?

23 A. Yeah.

24 Q. Okay.

25 A. And he was just saying like, you know, "By you

1 pleading guilty, you just like sealed it. It's -- it's
2 done."

3 Q. Did Mr. Hunt tell you about anything involving the
4 case where the victim was named Arthur Wilson?

5 A. No. No.

6 Q. Okay. Do you know the name is Ezell Clowers? Ran
7 a drink house?

8 A. No. No.

9 Q. Okay. Have you heard anything about a murder
10 outside of a drink house?

11 A. I heard through the news and -- that -- I think
12 that's what happened with Sammy Mitchell and Darryl Hunt.

13 Q. Okay.

14 A. That's the only thing I know.

15 Well, correction. I think Merritt Drayton was
16 tried for that too, because I think he had two life
17 sentences. No, I -- the only thing I know about it, because
18 he never talked to me about it, it was on the news, in the
19 paper.

20 Q. Okay.

21 A. Because we had a few people from Winston-Salem
22 that got the paper, and that's how we found out.

23 Q. Did Mr. Williams ever tell you that he was
24 innocent in that case?

25 A. Like I say, we didn't really talk that much

1 because he was -- it's like he didn't want to help me.

2 Q. Why do you think that?

3 A. I don't know. And I talked to a lawyer, and he
4 wanted a statement from me saying that he didn't do this and
5 the lawyer told him, he said, "Well, if he did do it and you
6 didn't do it, it's going to make you look guilty." So ...

7 Q. Okay. Who was that attorney?

8 A. I can't -- can't recall.

9 Q. Okay. Do you remember what that attorney was
10 doing for you? Was he going to file something for you?

11 A. Yeah. He had actually -- my mother had actually
12 talked to an attorney, and she relayed the message to him
13 and, you know, he actually told her it's nothing that can be
14 done.

15 Q. So he never actually filed anything in your case?

16 A. No.

17 Q. Okay. Have you hired any other attorneys?

18 A. No.

19 Q. Okay. Other than us, has anyone else come to
20 speak to you about this case since you were released from
21 prison?

22 A. No.

23 Q. Okay.

24 MS. MATOIAN: Anything else, Brian?

25 MR. ZIEGLER: I don't know.

1 Q. Is there anything else you'd like us to know about
2 this case?

3 A. No, not that I can -- nothing I can remember.

4 Q. Is there anyone you think we should speak to that
5 would be helpful to us in investigating this case?

6 A. No. Well, like I say, I would get some
7 satisfaction to know that Darrell did get caught.

8 Q. Can you think of any information or anyone who
9 could give us information that would be helpful in locating
10 Mr. Johnson?

11 A. None that I can recall.

12 Q. Do you remember any other friends of his?

13 A. No.

14 Q. When you two hung out, it was just the two of you?

15 A. Yeah. Yeah.

16 Q. Okay. Did you know him to have a group that he
17 hung around with?

18 A. No. He was never a group person.

19 Q. Okay.

20 A. It was just like maybe one or two people he would
21 deal with.

22 Q. Other than that newspaper, do you have any other
23 documents related to this case --

24 A. The --

25 Q. -- at your house?

1 A. I think I still got the papers where I -- like
2 warrants and stuff, you know. I think I got them. I don't
3 think I threw them away.

4 Q. Okay. By statute, you have --

5 MS. MATOIAN: Go ahead.

6 MR. ZIEGLER: Pursuant to statute, you have a
7 right to receive a copy of the sound and visual recording of
8 your deposition for your examination and review.

9 Do you want to waive that right or would you
10 like a copy?

11 THE WITNESS: I don't want the copy.

12 MS. MATOIAN: Okay.

13 MR. ZIEGLER: Okay. So just to be clear,
14 you're waiving your right to that copy?

15 THE WITNESS: Yeah.

16 MS. MATOIAN: Okay.

17 MR. ZIEGLER: Okay.

18 MS. MATOIAN: All right. We're going to
19 conclude the deposition.

20 (Signature waived.)

21 (Recorded deposition concluded.)

22

23

24

25

1 CERTIFICATE OF TRANSCRIPT

2
3 This is to certify that the 51 pages of this transcript
4 of the recorded deposition of Robbin L. Carmichael was taken on
5 June 1, 2018, is a true and accurate transcript to the best of my
6 ability.

7 I further certify that I am not counsel for nor related
8 to any party or attorney, nor am I interested in the results of
9 this action.

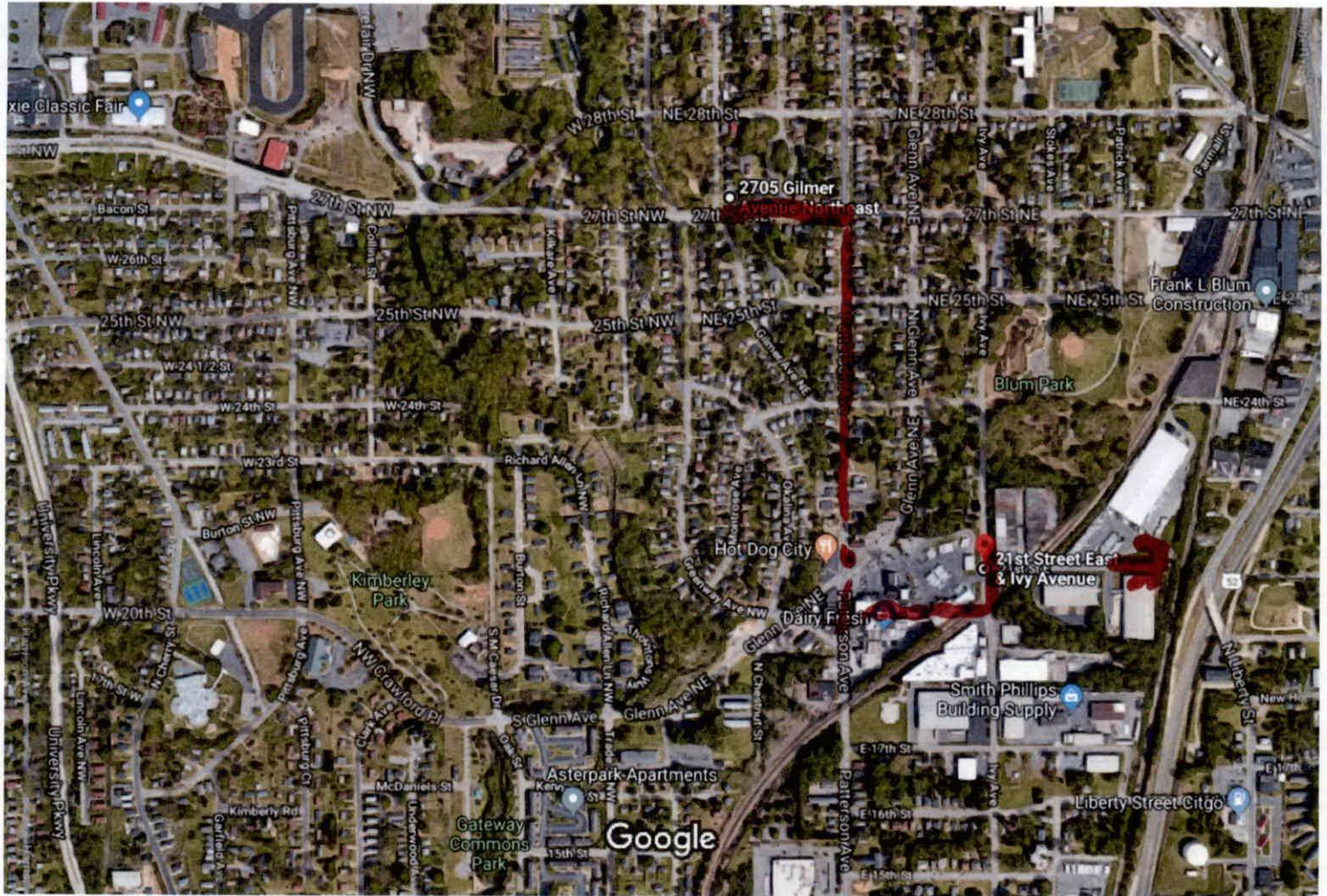
10 This the 11th day of June, 2018.
11
12
13
14
15
16
17

18 

19 Victoria L. Pittman
20 AOC-Approved Transcriber
21 PO Box 47
22 Wake Forest, NC 27588
23 919.931.6222
24 toriRDR@gmail.com
25



2705 Gilmer Ave NE to 21st St E & Ivy Ave



Imagery ©2018 Google, Map data ©2018 Google 500 ft

RC 5-1-18

DELAYS

Moderate traffic in this area

No known road disruptions. Traffic incidents will show up here.



STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
86 CRS 031738

STATE OF NORTH CAROLINA

v.

MERRITT WILLIAMS DRAYTON

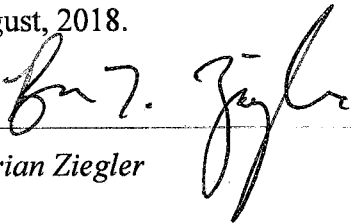
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CERTIFICATION

NOW COMES the undersigned, Brian Ziegler, and certifies pursuant to N.C.G.S. § 1A-1, Rule 30(f)(1) that on June 1, 2018, Robbin Carmichael appeared before him for the purpose of taking a deposition upon oral examination by the North Carolina Innocence Inquiry Commission (Commission). The deponent was duly sworn by the undersigned and the attached sound-and-video recording, together with all exhibits annexed thereto, constitutes a true and accurate record of the testimony given.

The undersigned further certifies that the deponent waived his right to a copy of the sound and visual recording of the deposition for examination and review..

This the 15th day of August, 2018.


Brian Ziegler

Handout 9

HANDOUT # 9

SEALED BY ORDER OF THE COURT

Handout 10

When I was

at Central Prison -

Merritt Dyer talked to me -

Merritt Dyer told me
Derm was w/ me -

I said yes I'm the guy
Derm got off scott free -

Talked to Dyer a 3 times
in prison -

When Dyer was talking he
wasn't really sure -

Didn't even have a direct
confrontation w/ Dyer -

He never admitted he was in
w/ Derm Jones -

Why not call crimescene -

I just didn't - I just
didn't want to tell
the guy - But I
should have - I didn't
want him to put
myself in danger -

By me trying to tell him
I committed myself -

Dryden -

Did he surrender?

He had to know Dennis -
Because we
told him, he knew
how -

Dryden said -

Aren't you the guy - I said

1988 -
yes - I'm Carmichael -

He said I didn't know
you was involved -

He never would tell who the
3rd person was - i.e. Dennis
Byrne + a 3rd person -

Dennis - Why gather
the seed something about a
TV and some clothes -

Dennis -
He walked in front door of
house -

He thinks they turned onto 2nd str.

Henry told Bishop he saw
James Shady on
the way -

He made accusation -
and I said I don't
know - I didn't go in
there.

Why keep the jewelry?

I remember Dan had
left them there and
I didn't know it
any -

He left a packet and
something else - not
in a bag -

Dry he -

Do you think he committed
it at Johns -

~~Yes~~ -
I think he's a - yes.

Why didn't he see
Johns -

He upset him her scared
of him -

Johns - After what I saw last
night, I wouldn't be a
very dangerous man -

1st 8th -
It was a very night
Most of the people
would be very nervous
yes.

Handout 11

JAMES ALEXANDER JOHNSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
LARCENY (M)	ROCKINGHAM	UNKNOWN	2/8/1984
BREAKING OR ENTERING (M)	FORSYTH	5/20/1984	7/16/1984
CARRYING CONCEALED WEAPON (M)	FORSYTH	7/28/1985	8/14/1985
LARCENY (M)	GUILFORD	UNKNOWN	2/12/1987
POSSESS STOLEN VEHICLE (F)	GUILFORD	10/28/1986	5/11/1988
POSSESS STOLEN GOODS/PROPERTY (F)	GUILFORD	6/21/1987	3/26/1998
POSSESS STOLEN GOODS/PROPERTY (F)	GUILFORD	6/21/1987	5/11/1988
POSSESS STOLEN GOODS/PROPERTY (F)	GUILFORD	6/21/1987	3/26/1998
CARRYING CONCEALED WEAPON (M)	GUILFORD	10/7/1987	11/16/1987
INJURY TO REAL PROPERTY (M)	GUILFORD	10/7/1987	11/16/1987
POSSESS STOLEN VEHICLE (F)	GUILFORD	UNKNOWN	6/20/1988
RESIST/OBSTRUCT PUBLIC OFFICER (M)	GUILFORD	11/19/1989	12/14/1989
DWLR (M)	GUILFORD	3/28/1990	8/14/1990
CARRYING CONCEALED WEAPON (M)	GUILFORD	3/28/1990	8/14/1990
ASSAULT WITH DEADLY WEAPON SERIOUS INJURY (F)	GUILFORD	4/4/1991	11/4/1992

ASSAULT ON A FEMALE (M)	GUILFORD	9/2/1991	11/19/1991
INTOXICATED AND DISRUPTIVE (M)	GUILFORD	10/5/1991	11/19/1991
POSSESS MARIJUANA > ½ TO 1 ½ OUNCE (M)	GUILFORD	11/26/1994	12/9/1994
RESISTING PUBLIC OFFICER (M)	GUILFORD	11/26/1994	12/9/1994
POSSESS WITH INTENT TO SELL OR DELIVER MARIJUANA (F)	GUILFORD	9/14/1997	3/26/1998
DWI-LEVEL 4 (M)	GUILFORD	9/14/1997	3/26/1998
DWLR (M)	GUILFORD	9/13/2000	11/27/2000
POSSESS FIREARM BY FELON (F)	GUILFORD	2/5/2001	11/1/2001
DWI-LEVEL 3 (M)	GUILFORD	8/6/2001	3/2/2004
MANUFACTURE/SELL/ DELIVER/POSSESS CONTROLLED SUBSTANCE ON/NEAR PLAYGROUND (F)	GUILFORD	10/2/2002	2/3/2003
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	GUILFORD	10/2/2002	2/3/2003
HABITUAL FELON (F)	GUILFORD	10/2/2002	2/3/2003
DWI-LEVEL 1 (M)	FORSYTH	2/17/2011	8/24/2011

Handout 12

Patterson

Gilmer

4 corners

000982

NCIIC WSPD

Handout 13

DARREN LEAK JOHNSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
CAUSE A PUBLIC DISTURBANCE (M)	FORSYTH	7/8/1985	7/16/1985
ASSAULT AND BATTERY (M)	FORSYTH	7/8/1985	7/16/1985
MISDEMEANOR BREAKING AND ENTERING (M)	FORSYTH	11/4/1985	11/18/1985
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	11/4/1985	11/18/1985
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	11/4/1985	11/18/1985
BREAKING/ENTERING AND LARCENY (F)	FORSYTH	8/27/1986	12/18/1986
ATTEMPTED BREAKING AND ENTERING (F)	FORSYTH	8/28/1986	12/18/1986
BREAKING/ENTERING AND LARCENY (F)	FORSYTH	8/28/1986	12/18/1986
DISORDERLY CONDUCT (M)	FORSYTH	5/16/1987	6/4/1987
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	5/16/1987	6/4/1987
SIMPLE ASSAULT (M)	FORSYTH	9/18/1987	10/8/1987
DAMAGE TO PERSONAL PROPERTY (M)	FORSYTH	10/18/1988	1/27/1989
ASSAULT ON LAW OFFICER (M)	FORSYTH	10/18/1988	1/27/1989
BREAKING AND ENTERING (M)	FORSYTH	5/5/1989	5/19/1989
BREAKING AND ENTERING (F)	FORSYTH	12/2/1989	4/26/1990

FELONY LARCENY (F)	FORSYTH	12/2/1989	4/26/1990
BREAKING AND ENTERING (F)	GUILFORD	1/15/1993	9/20/1993
LARCENY AFTER BREAKING AND ENTERING (F)	GUILFORD	1/15/1993	9/20/1993
COMMON LAW ROBBERY (F)	FORSYTH	12/27/2000	4/3/2001
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	6/22/2003	7/19/2004
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	6/25/2003	7/19/2004
HABITUAL FELON (F)	FORSYTH	6/25/2003	7/19/2004
POSSESS FIREARM BY FELON (F)	FORSYTH	6/27/2003	7/19/2004
ATTEMPTED ROBBERY-DANGEROUS WEAPON (F)	FORSYTH	6/27/2003	7/19/2004
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	6/27/2003	7/19/2004
POSSESS FIREARM BY FELON (F)	FORSYTH	11/17/2003	7/19/2004
ASSAULT GOVERNMENT OFFICIAL/EMPLOYEE OF STATE (M)	ANSON	12/6/2010	5/23/2011
COMMUNICATING THREATS (M)	FORSYTH	4/9/2017	7/24/2017
COMMUNICATING THREATS (M)	FORSYTH	4/9/2017	7/24/2017
FALSE IMPRISONMENT (M)	FORSYTH	4/9/2017	7/24/2017

Handout 14

HANDOUT # 14

SEALED BY ORDER OF THE COURT

Handout 15

NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA,

FILE NO. 86 CRS 31738

Plaintiff,

vs.

MERRITT WILLIAMS DRAYTON,

Defendant.

This is the transcript of the recorded
interview taken of Darren Johnson which
was conducted by Catherine Matoian and
Brian Ziegler from the North Carolina
Innocence Inquiry Commission. The recorded
interview took place on March 19, 2019.

APPEARANCES:

Catherine Matoian, Grant Staff Attorney
Brian Ziegler, Staff Attorney
North Carolina Innocence Inquiry Commission
Administrative Office of the Courts
P.O. Box 2448
Raleigh, North Carolina 27602

1 P R O C E E D I N G S

2 MS. MATOIN: Okay. Hi, Mr. Johnson.

3 MR. JOHNSON: How are you doing?

4 MS. MATOIAN: I'm Catherine. Nice to
5 meet you. You can have a seat right over there.

6 MR. ZIEGLER: Bear with us.

7 MS. MATOIAN: Sorry.

8 MR. ZIEGLER: To get us a little set
9 up.

10 MS. MATOIAN: There should be -- just
11 a second.

12 MR. ZIEGLER: If you want to get the
13 printer set up and do what you need to do --

14 MS. MATOIAN: Yeah.

15 MR. ZIEGLER: -- I can just take his
16 swab over.

17 MR. JOHNSON: How long will the swab
18 take to get back?

19 MR. JOHNSON: Just a second. We just
20 have --

21 MR. ZIEGLER: Oh, you mean after we
22 get it tested?

23 MR. JOHNSON: Yeah.

24 MS. MATOIAN: Oh. That depends on the
25 labs.

1 MR. ZIEGLER: Looks like spring is
2 starting to hit down here. You getting some
3 pollen.

4 MR. JOHNSON: It doesn't get that hot
5 compared to North Carolina.

6 MR. ZIEGLER: Oh, no?

7 MS. MATOIAN: No. Is it as humid?

8 MR. ZIEGLER: I'm seeing the yellow
9 pollen everywhere.

10 MR. JOHNSON: Yeah. There's a lot of
11 colds and stuff going around around here.

12 MS. MATOIAN: I bet.

13 MR. JOHNSON: The weather is so
14 strange.

15 MR. ZIEGLER: It sounded like when we
16 talked on the phone that you had done one of
17 these before.

18 MR. JOHNSON: I've been on the record.
19 I should be for my past, my criminal past.

20 MS. MATOIAN: Okay.

21 MR. ZIEGLER: Was it just --

22 MS. MATOIAN: That should be on the
23 record.

24 MR. ZIEGLER: Was it the little swab
25 they did in your cheek?

1 MR. JOHNSON: No, it wasn't that. I
2 remember the first time they questioned me about
3 this incident with Robert Carmichael and he had
4 -- they had some gold trinkets or something.
5 They asked me about and all that kind of stuff,
6 and they said he had brought my name up. And
7 that's what I was wanting to know why did he
8 bring my name up, you know. What context was it
9 in.

10 MR. ZIEGLER: Sure. So for this --
11 this is the DNA sample. I'm just going to hand
12 you these two Q-tips.

13 MR. JOHNSON: Yeah.

14 MR. ZIEGLER: If you just do it inside
15 your mouth on one side and then the other side.

16 MR. JOHNSON: Uh-huh.

17 MR. ZIEGLER: Yeah, right inside your
18 cheek, and then move it over and get the other
19 side. And that should do it. Thank you, sir.

20 MR. JOHNSON: Is that it?

21 MR. ZIEGLER: That's it for the DNA
22 sample. We still need to talk to you.

23 What's your living situation like down
24 here?

25 MR. JOHNSON: Well, I've -- since I've

1 been down -- been out of prison, I've changed my
2 life, you know. I'm getting older now, and I
3 don't do the things I used to do, so I'm involved
4 with mental health programs down here. You know,
5 I go back to when I was a child in mental health,
6 and I'm on medications and stuff like that.

7 MR. ZIEGLER: Okay. You're staying in
8 the Spring Elm Apartments?

9 MR. JOHNSON: Spring Tree Apartments.

10 MR. ZIEGLER: Spring Tree, right. Do
11 you live by yourself?

12 MR. JOHNSON: Yes. Yes, sir.

13 MR. ZIEGLER: Okay. And how long have
14 you been there?

15 MR. JOHNSON: I've been there about a
16 year.

17 MR. ZIEGLER: Okay.

18 MR. JOHNSON: Do you expect to be
19 there for a while?

20 MR. JOHNSON: I don't know. It's what
21 your Lord wants to do. I believe in the Lord
22 very highly now.

23 MR. ZIEGLER: Okay. So I will mark
24 this (indiscernible).

25 MS. MATOIAN: About 2:49.

1 MR. ZIEGLER: 2:49, 3/19/19. Okay.

2 Do you have family down here in
3 Columbia? What brought you down there to
4 Columbia?

5 MR. JOHNSON: Well, I came down here
6 because of my sister. We've been separated since
7 we was babies. My mother was killed in 1968, and
8 we got separated, her and my brother, me. We had
9 a little girl, older girl, older than my sister,
10 who died at infancy, and -- Jamika (phonetic),
11 that was her name.

12 MR. ZIEGLER: I'm sorry to hear that.

13 MR. JOHNSON: I got a brother named
14 Jonathan. He's paralyzed, not paralyzed, but he
15 was born in a wheelchair and stuff. I don't know
16 him that well, but he's in Winston-Salem
17 somewhere.

18 MR. ZIEGLER: You have a sister down
19 here in Columbia?

20 MR. JOHNSON: Yes, sir.

21 MR. ZIEGLER: Okay. What's her name?

22 MR. JOHNSON: Angela Brown.

23 MR. ZIEGLER: Okay. Does she help you
24 out?

25 MR. JOHNSON: This is what I want to

1 know. Why should I answer all these questions
2 and this is not a law, you know, in the law, you
3 know, a legal case.

4 MR. ZIEGLER: Sure. It is a legal
5 case.

6 MR. JOHNSON: I mean, I gave a swab.

7 MR. ZIEGLER: Right, and I appreciate
8 that. I appreciate you saying that you want to
9 be fully cooperative, so it's -- like I started
10 to explain --

11 MR. JOHNSON: I need a lawyer, really.

12 MR. ZIEGLER: I want -- well, that's
13 up to you. This is --

14 MR. JOHNSON: But I don't have one.

15 MR. ZIEGLER: This is who I am.

16 MR. JOHNSON: But I want you to know
17 that I always state if I, you know, what
18 (indiscernible). I need one. Thank you.

19 MR. ZIEGLER: Yeah. So that's me.
20 Are you saying that you do not want to talk to us
21 today?

22 MR. JOHNSON: Well, it wouldn't be
23 necessary unless you all want me to come in or
24 something, I have to come in.

25 MR. ZIEGLER: Right. So we do --

1 so --

2 MR. JOHNSON: I ain't going nowhere.

3 MR. ZIEGLER: Yeah.

4 MS. MATOIAN: What we can do today,

5 Mr. Johnson --

6 MR. JOHNSON: I'm too old to run

7 anywhere. I got the Lord on my side.

8 MS. MATOIAN: Okay.

9 MR. JOHNSON: Whatever happens.

10 MS. MATOIAN: I'm going to go ahead

11 and serve you with a subpoena --

12 MR. JOHNSON: Yeah.

13 MS. MATOIAN: -- for -- to do a

14 deposition with me and Brian, and that's going to

15 be on May 2nd, 2019 at 1:00 down at the

16 courthouse.

17 MR. JOHNSON: Well, this is a

18 subpoena. This is a subpoena. I'd go ahead and

19 do it now.

20 MS. MATOIAN: Well --

21 MR. JOHNSON: If this is a subpoena.

22 MS. MATOIAN: -- if it's a deposition,

23 we have to have a court reporter there and put

24 you under oath.

25 MR. JOHNSON: I'm not that

1 (indiscernible). Is this a subpoena now?

2 MS. MATOIAN: That's a subpoena for a
3 deposition that's going to be on May 2nd, 2019.

4 MR. JOHNSON: Well, how am I going to
5 get there?

6 MR. ZIEGLER: It's here in Columbia.

7 MS. MATOIAN: Yeah.

8 MR. ZIEGLER: It's at the courthouse
9 downtown.

10 MS. MATOIAN: And we'd be happy to --
11 if you don't have a ride down to the courthouse,
12 we'd be happy to pick you up and bring you down.

13 MR. JOHNSON: I'm still learning my
14 way around, but I know how to get to certain
15 places on the bus.

16 MS. MATOIAN: I think -- if we have
17 your number, we'd be happy to pick you up and
18 take you down to the courthouse on May 2nd.

19 MR. JOHNSON: I think I can go --
20 that's downtown.

21 MR. ZIEGLER: Yes. It's on Main
22 Street. It's near Bull Street.

23 MR. JOHNSON: Yeah.

24 MR. ZIEGLER: Okay.

25 MR. JOHNSON: It's the courthouse down

1 there.

2 MS. MATOIAN: Yeah.

3 MR. ZIEGLER: Right. Right. So

4 that --

5 MR. JOHNSON: But what's -- this is it
6 right here?

7 MR. ZIEGLER: Yes.

8 MS. MATOIAN: That right there, and
9 we'll have a court reporter there and there'll be
10 a video camera and we'll have some questions that
11 we'll ask you under oath just like in a trial.

12 MR. JOHNSON: So even if I refuse, I
13 would still end up having to do it with it?

14 MS. MATOIAN: That subpoena requires
15 you to come and participate --

16 MR. JOHNSON: By law.

17 MS. MATOIAN: -- in a deposition, yes,
18 sir.

19 MR. JOHNSON: By law, okay.

20 MS. MATOIAN: It does.

21 MR. ZIEGLER: Right. So you are here
22 today of your own free will?

23 MR. JOHNSON: Yeah.

24 MR. ZIEGLER: And if you don't want to
25 speak to us today, that's up to you, but either

1 way, no matter what we do today, we are going to
2 need you on May 2nd.

3 MR. JOHNSON: You're going to need
4 that anyway.

5 MR. ZIEGLER: Yeah.

6 MR. JOHNSON: So this is just to try
7 to -- this is May the 2nd. When is that? This
8 is --

9 MS. MATOIAN: It is -- it's over a
10 month away, so you've got some time. That is
11 going to be a Thursday.

12 MR. JOHNSON: I got you.

13 MS. MATOIAN: And it starts at 1:00.

14 MR. ZIEGLER: But you have our office
15 number and I've got your number, so we can be in
16 touch and if you need transportation to that, we
17 can --

18 MS. MATOIAN: We'd be happy to do
19 that.

20 MR. ZIEGLER: -- help you out with
21 that.

22 MR. JOHNSON: Okay. All right.

23 MR. ZIEGLER: I do want to ask you,
24 you had mentioned --

25 MR. JOHNSON: Who is this, Merritt

1 Williams Drayton? I remember Robert Carmichael.

2 I don't remember no Merritt Williams.

3 MS. MATOIAN: So the Commission -- I'm
4 sure Brian explained this to you. The Commission
5 is a state agency and we investigate claims of
6 innocence by people who have been convicted of
7 crimes in North Carolina.

8 MR. JOHNSON: Yeah, I got that.

9 MS. MATOIAN: So Merritt Williams
10 Drayton was convicted of the murder of Blanche
11 Bryson in Winston-Salem in 1985 and has applied
12 to the Commission claiming that he's innocent.

13 MR. JOHNSON: How old was I then back
14 then?

15 MS. MATOIAN: You were pretty young, I
16 think.

17 MR. JOHNSON: How old?

18 MS. MATOIAN: What year were you born?

19 MR. JOHNSON: '66.

20 MS. MATOIAN: '66? So you were --
21 '85, you were --

22 MR. ZIEGLER: 19 or 20.

23 MS. MATOIAN: -- almost 20, yeah, so
24 you were pretty young back then.

25 So Mr. Williams Drayton has

1 applied to the Commission claiming innocence, and
2 you've mentioned Robert Carmichael. What do you
3 know --

4 MR. JOHNSON: Me and Robert
5 Carmichael, we grew up together.

6 MS. MATOIAN: Okay. Were you guys
7 close?

8 MR. JOHNSON: Yeah. We met each other
9 up by -- in Winston-Salem there's a place called
10 Northside Shopping Center.

11 MS. MATOIAN: Okay.

12 MR. JOHNSON: And that was going up
13 Patterson Avenue somewhere. And we grew up -- we
14 was about 16, 17. We used to play basketball
15 together, go to school together. We lived right
16 beside each other. Sometimes I would run away
17 from home because I was getting beat. He would
18 feed me sandwiches and stuff like that. And then
19 when he ran away from home I would feed him
20 sandwiches.

21 (LAUGHING.)

22 MS. MATOIAN: You guys took care of
23 each other?

24 MR. JOHNSON: Yeah. And
25 unfortunately, he started carrying guns.

1 MS. MATOIAN: When did he start doing
2 that?

3 MR. JOHNSON: He had been doing that
4 since he was, I'd say, since he was probably 18,
5 18, somewhere like that.

6 MS. MATOIAN: Were you guys about the
7 same age?

8 MR. JOHNSON: Me and Robert
9 Carmichael, we should have been about the same
10 age. I'm 53. He should be 53.

11 I remember I saw him in prison once
12 down through the years. As you know, I've been
13 in prison and all that.

14 MR. ZIEGLER: Did you talk to him when
15 you saw him in prison?

16 MR. JOHNSON: No. We just passed by
17 each other. He passed by me, you know. He knew
18 who I was. I knew who he was.

19 MS. MATOIAN: You didn't say anything
20 to each other?

21 MR. JOHNSON: No.

22 MS. MATOIAN: When was the last time
23 you talked before that?

24 MR. JOHNSON: We had never talked
25 since then. We never did. You know, we just

1 grew away from each other. We -- when we hung
2 together, we wouldn't be like we hung together
3 every day, you know. I would see him. He would
4 see me sometimes. I'd go to his house. He'd
5 come over mine. As we grewed (sic) older, we
6 started getting into different types of lives,
7 but we did see each other, and then after that we
8 just grew away from each other.

9 MS. MATOIAN: Did you guys have any
10 other friends that you hung around with at the
11 same time?

12 MR. JOHNSON: No. That's why I'm
13 trying to figure out this name, what this guy
14 here, Merritt Williams Drayton -- who is he?

15 MS. MATOIAN: So he's the man --

16 MR. JOHNSON: He, obviously turned in
17 his DNA --

18 MS. MATOIAN: He's applied to the
19 Commission and is claiming he's innocent of the
20 murder of Blanche Bryson. And I apologize that
21 these -- for the quality of these pictures, but
22 I've marked these as Number 8, and it's two
23 pictures. Do you recognize that man? This is
24 from about 1987, and this one's from 1997.

25 MR. JOHNSON: No, ma'am. I don't --

1 MS. MATOIAN: You don't know him?

2 MR. JOHNSON: I never seen him before
3 in my life.

4 MS. MATOIAN: Okay.

5 MR. ZIEGLER: Did you know anyone that
6 went by the nickname Junior?

7 MR. JOHNSON: No.

8 MR. ZIEGLER: Somebody called Junior?

9 MR. JOHNSON: No. I knew a guy named
10 Robert Carmichael, Robert Carmichael. When they
11 talked to me about this case here with Blanche,
12 was it Bryson, when they talked to me about that,
13 I was around 21, and I was at a youth institution
14 somewhere around there.

15 MS. MATOIAN: What did they say to you
16 about it?

17 MR. JOHNSON: They said that Robert
18 Carmichael had said something about me being in a
19 murder or whatever, and he threatened me and said
20 he was going to get me and all this kind of stuff
21 here.

22 MS. MATOIAN: Who threatened you?

23 MR. JOHNSON: The officers.

24 MS. MATOIAN: What was the officer's
25 name; do you remember?

1 MR. JOHNSON: No. They was
2 detectives. He told me he was writing a book.
3 He wanted me to help him write a book about what
4 happened.

5 MS. MATOIAN: So you were in a youth
6 prison facility.

7 MR. JOHNSON: Yeah.

8 MS. MATOIAN: An officer, a detective,
9 came to you and said that Robert Carmichael --

10 MR. JOHNSON: Yeah. Yeah.

11 MS. MATOIAN: -- had put your name in
12 a murder?

13 MR. JOHNSON: They had some little --
14 like a felt Royal Crown bag, a felt bag, what you
15 got those little (indiscernible).

16 MS. MATOIAN: Uh-huh.

17 MR. JOHNSON: He had one of those, but
18 they were small with some trinkets in it, and he
19 had that.

20 MR. ZIEGLER: Who?

21 MR. JOHNSON: The officer.

22 MS. MATOIAN: Was he touching it with
23 his bare hands?

24 MR. JOHNSON: Yeah.

25 MS. MATOIAN: Yeah?

1 MR. JOHNSON: He threw it over at me
2 and asked me did I recognize it and did I know
3 where it came from.

4 MS. MATOIAN: Did you recognize it?

5 MR. JOHNSON: Yeah.

6 MS. MATOIAN: Where did you recognize
7 it from?

8 MR. JOHNSON: Robert Carmichael.

9 MS. MATOIAN: Okay. Where did you see
10 him with it?

11 MR. JOHNSON: It's been so long ago, I
12 don't even know what night, what time. I know it
13 was night.

14 MS. MATOIAN: Okay. What happened
15 that night?

16 MR. JOHNSON: What night?

17 MS. MATOIAN: The night that you saw
18 -- just while we're on that subject, is this the
19 man you're calling Robert Carmichael? Is this
20 the man you're talking about?

21 MR. JOHNSON: That's the one. That's
22 the one I'm talking about, yeah.

23 MS. MATOIAN: Okay. And so he, at
24 least in the system, has gone by Robbin
25 Carmichael, but you're calling him Robert?

1 MR. JOHNSON: Yeah.

2 MS. MATOIAN: But that's him?

3 MR. JOHNSON: That's Robert.

4 MS. MATOIAN: Okay.

5 MR. JOHNSON: Yeah. Yeah. That's the

6 one. I've seen him a few years ago, two years

7 ago.

8 MS. MATOIAN: You saw him two years

9 ago? Where did you see him at?

10 MR. JOHNSON: Working for the City in

11 Winston-Salem.

12 MS. MATOIAN: Okay. Where was he

13 working?

14 MR. JOHNSON: Near the transit.

15 MS. MATOIAN: Okay.

16 MR. ZIEGLER: Did you talk to him

17 then?

18 MR. JOHNSON: No. But I had seen him

19 in prison.

20 MS. MATOIAN: Yeah.

21 MR. JOHNSON: That's the one I'm

22 talking about.

23 MS. MATOIAN: So the night you see him

24 with those bags, tell me about that night. Why

25 did that stand out to you?

1 MR. JOHNSON: Because me and Robert
2 went out that night. We went out to a place
3 called Kirk's. It was a liquor house.

4 MS. MATOIAN: Okay.

5 MR. JOHNSON: You know, back then we
6 was doing LSD and everything back then. These
7 kids don't do nothing like that now, not black
8 guys. They do that other stuff. But we was
9 doing that stuff back then, acting crazy, and we
10 went out to Kirk's and we went back to his house.

11 MS. MATOIAN: And he had those bags
12 with him?

13 MR. JOHNSON: What bags?

14 MS. MATOIAN: The little bags you were
15 talking about? You said you had seen Robert
16 Carmichael what it.

17 MR. JOHNSON: No, huh-uh. Yeah -- no.
18 I seen it in his house.

19 MS. MATOIAN: Okay. When did you see
20 them in his house?

21 MR. JOHNSON: I always -- playing
22 around with the dog in there and everything. I
23 was just like friends with him. If I come over,
24 I seen it laying up on the dresser drawer.

25 MS. MATOIAN: What about those stood

1 out to you to make you remember them?

2 MR. JOHNSON: Because it looked like a
3 woman's.

4 MS. MATOIAN: Okay. Did he tell you
5 whose they were?

6 MR. JOHNSON: No. I didn't ask.

7 MS. MATOIAN: You didn't ask, but you
8 recognized them when the police --

9 MR. JOHNSON: Yes.

10 MS. MATOIAN: -- showed them to you?

11 MR. JOHNSON: Yeah.

12 MS. MATOIAN: Okay.

13 MR. JOHNSON: But they stood out --
14 everything else was like a man. (Laughing.)

15 MS. MATOIAN: Okay. Did Robert
16 Carmichael have a girlfriend at that time?

17 MR. JOHNSON: Yes. He messed around
18 with girls.

19 MS. MATOIAN: Do you remember any of
20 their names?

21 MR. JOHNSON: No. But I remember some
22 of them. I know -- I was aware that he had his
23 own people he went to see, you know.

24 MS. MATOIAN: Did you have
25 girlfriends?

1 MR. JOHNSON: Yeah.

2 MS. MATOIAN: In 1985? Who were your
3 girlfriends?

4 MR. JOHNSON: I don't want to go that
5 far into it. (Laughing.) That's so -- that's
6 little kiddie stuff. I was still messing with
7 people I was in high school with back then. It's
8 been so long ago.

9 MS. MATOIAN: And so when the police
10 came to you, the detective told you he was going
11 to get you? What did he say he was going to get
12 you for?

13 MR. JOHNSON: Yeah. He said -- he got
14 kind of uptight, acted as if he got uptight, and
15 said he was going to get me, you know. He
16 threatened to me. He was going to get me sooner
17 or later on something.

18 MS. MATOIAN: And get -- by "get you,"
19 what does he mean?

20 MR. JOHNSON: He was threatening me.

21 MS. MATOIAN: He was going to arrest
22 you for something or threatening you physically?

23 MR. JOHNSON: Yeah. For the murder,
24 for the murder.

25 MS. MATOIAN: He was going to get you

1 for the murder?

2 MR. JOHNSON: Yeah.

3 MS. MATOIAN: Did he say why?

4 MR. JOHNSON: No, but that's the way
5 it was back then because back then, a lot of
6 people was getting killed in Winston-Salem,
7 different people and all that kind of stuff. And
8 a lot of people was getting falsely accused of
9 stuff they didn't do and all that kind of stuff,
10 so that was back then when I was coming up, you
11 know.

12 MS. MATOIAN: And the detective said
13 he was writing a book?

14 MR. JOHNSON: Yeah. That's how he did
15 it. He came in and said, "Well, Mr. Johnson, I'm
16 writing a book, and I think you can help me."
17 That's the way he started out, but then he
18 started talking to me about, you know, Robin
19 Carmichael and this, that. And then he said I
20 knew about Blanche Taylor (sic).

21 MS. MATOIAN: Bryson.

22 MR. JOHNSON: Bryson, being killed and
23 all this kind of stuff

24 MS. MATOIAN: Did you know about that?

25 MR. JOHNSON: No.

1 MS. MATOIAN: No?

2 MR. JOHNSON: No.

3 MS. MATOIAN: Was that the first you'd
4 ever heard that a woman named Blanche Bryson had
5 been killed?

6 MR. JOHNSON: Yeah.

7 MS. MATOIAN: You didn't hear about it
8 like in the news when it happened?

9 MR. JOHNSON: What I was concerned
10 about is how they came to me, and when they said
11 Robert Carmichael said he was coming to me.

12 MS. MATOIAN: Why did that concern
13 you?

14 MR. JOHNSON: Because I wanted to know
15 what he was saying.

16 MR. ZIEGLER: Before the police came
17 to you, had you heard about Robin Carmichael
18 getting arrested?

19 MR. JOHNSON: No, never.

20 MR. ZIEGLER: Did you know that he was
21 arrested?

22 MR. JOHNSON: No. No. No. No, not
23 at that time, but I hadn't seen him in a while
24 because it was normal for me not to see him a
25 while because we had really grown apart. But

1 Robert Carmichael, he's the one that I remember.
2 I don't know this other guy you all just
3 mentioned that.

4 MS. MATOIAN: Merritt, okay. I'm
5 going to show you -- I'm just marking this as
6 Number 13. Do you recognize these?

7 MR. JOHNSON: I don't know what that
8 is. I don't know what it is.

9 MS. MATOIAN: You don't recognize
10 these bags?

11 MR. JOHNSON: No.

12 MS. MATOIAN: These -- do these look
13 like the ones that the police showed you when
14 they came to see you in prison?

15 MR. JOHNSON: They could be. Are they
16 felt? That don't look like the same one. I
17 don't know nothing about that.

18 MS. MATOIAN: It doesn't look like the
19 same ones? Okay.

20 MR. JOHNSON: Because it was just one
21 felt -- looked like, you know, one of those Crown
22 Royal --

23 MS. MATOIAN: Did they tie at the top?

24 MR. JOHNSON: Yeah.

25 MS. MATOIAN: Okay.

1 MR. JOHNSON: It's like --

2 MS. MATOIAN: Where you would tie,

3 pull it and it ties up?

4 MR. JOHNSON: Yes, but it was a little

5 bag.

6 MS. MATOIAN: Okay. What color was

7 it?

8 MR. JOHNSON: Like purple. I don't

9 know. It's been so long.

10 MS. MATOIAN: Sure.

11 MR. JOHNSON: It could be red, purple,

12 blue, green.

13 MS. MATOIAN: But you remember them

14 tying at the top like a Crown Royal bag?

15 MR. JOHNSON: Looked like felt.

16 MS. MATOIAN: Okay.

17 MR. ZIEGLER: And just to be clear, if

18 you don't remember something --

19 MS. MATOIAN: That's fine.

20 MR. ZIEGLER: -- that's fine. Just

21 tell us you don't remember because we understand

22 it's been a long time.

23 MS. MATOIAN: So after the police came

24 and talked to you and you told them that you

25 didn't know anything about Blanche Bryson being

1 murdered, did anyone else ever come talk to you?

2 MR. JOHNSON: When I was in
3 prison --

4 MS. MATOIAN: Right.

5 MR. JOHNSON: -- when I first came
6 here.

7 MS. MATOIAN: Did they ever come back
8 and talk to you?

9 MR. JOHNSON: No.

10 MS. MATOIAN: Just the once?

11 MR. JOHNSON: Yeah. That was it.

12 MS. MATOIAN: Did anyone --

13 MR. JOHNSON: I stayed locked up in
14 segregation. That was the first time I ever been
15 in segregation when I was in prison. I was
16 almost a model prisoner, and they took me out and
17 put me on lockup, and I had to walk around with
18 chains on all the time. And they would -- just
19 had me -- I couldn't even make my levels to come
20 out of prison because I didn't have a lot of
21 time. And, you know, finally, they had to let me
22 go and they let me back in. I made it out.

23 But I've been, you know, my life, you
24 know, as far as it, you know, I have no shame
25 about me being in prison in my life. I think

1 there's a reason behind my life being the way it
2 was, especially when I was young. And this here,
3 it's just like, hey, after that happened, I seen
4 a guy in prison, a light-skin guy, years later
5 that knew about Robert Carmichael. He asked me
6 about Robert Carmichael. I don't know who he
7 was.

8 MS. MATOIAN: You don't know who he
9 was?

10 MR. JOHNSON: Huh-uh.

11 MS. MATOIAN: You don't know his name?

12 MR. JOHNSON: No. He was a light-skin
13 fella.

14 MS. MATOIAN: Do you remember what
15 prison you were in?

16 MR. JOHNSON: Central Prison.

17 MS. MATOIAN: Central? And what did
18 he tell you?

19 MR. JOHNSON: He didn't tell me
20 nothing, but I knew who he was. He said Robert
21 -- he made a comment one time in passing that
22 Robert had talked to him about what happened,
23 whatever. And I said, "Robert's in jail. I
24 seen, I mean, I seen Robert Carmichael in Central
25 Prison," you know. "I saw him." That's when I

1 first saw him. But we didn't ever speak.

2 MS. MATOIAN: So you've never talked
3 to Robin Carmichael about --

4 MR. JOHNSON: No.

5 MS. MATOIAN: So when you see him in
6 prison, the police have come and talk to you
7 years before that and saying that Robert
8 Carmichael put your name in a murder and you see
9 Robert Carmichael in prison, you guys don't talk
10 about that at all?

11 MR. JOHNSON: Talk about what?

12 MS. MATOIAN: Robin Carmichael putting
13 your name to murder.

14 MR. JOHNSON: What, me and Robert
15 Carmichael talk about that?

16 MR. ZIEGLER: Have you ever talked to
17 Robin Carmichael about that?

18 MR. JOHNSON: No. Why would we?

19 MR. ZIEGLER: Because he's locked up
20 for it and he put your name in it.

21 MR. JOHNSON: No.

22 MR. ZIEGLER: You didn't ask him that?

23 MS. MATOIAN: If someone told the
24 police that I was involved in a murder and I
25 wasn't and I saw that person, I would probably

1 ask them a few questions.

2 MR. JOHNSON: Not if you thinking
3 along the lines that he could say you threatening
4 him or something like that.

5 MS. MATOIAN: Okay.

6 MR. ZIEGLER: Backing up a little bit,
7 what did you go to prison for?

8 MR. JOHNSON: I went to prison for
9 mostly B&Es because my father was a pastor and I
10 grew up in a very rough life, blasé, blasé,
11 blasé, and went through all this.

12 You have to forgive me. I'm on
13 medication and I may talk in circles.

14 MS. MATOIAN: That's okay.

15 MR. ZIEGLER: That's fine.

16 MR. JOHNSON: You know, I try to tell
17 people that, you know --

18 MR. ZIEGLER: When you were doing
19 B&Es --

20 MR. JOHNSON: I don't remember back
21 that far, I'm telling you. What we talking about
22 now is ancient history.

23 MR. ZIEGLER: I understand. We've got
24 to ask the questions and if you don't remember,
25 that's okay.

1 MS. MATOIAN: Right.

2 MR. ZIEGLER: But we do have to ask.

3 Back when you were doing those B&Es, did you ever
4 do any of those with Robin Carmichael?

5 MR. JOHNSON: No.

6 MS. MATOIAN: Did you know him to be
7 doing stuff --

8 MR. JOHNSON: Well, yeah, yeah. I
9 think Robert used to -- not doing breaking and
10 entering, but I think Robert used to do cocaine.

11 MS. MATOIAN: Uh-huh. Were you doing
12 cocaine?

13 MR. JOHNSON: Yeah, snorting it.
14 That's the worst as I've seen him do. And I seen
15 Robert have guns. I knew Rob carried guns.

16 MR. ZIEGLER: Did you guys ever do any
17 crimes together?

18 MR. JOHNSON: No. No.

19 MS. MATOIAN: Those B&Es that you did,
20 did you do those with anybody else or did you
21 always work alone?

22 MR. JOHNSON: Me and Robert did -- I
23 think me and Robert did one.

24 MS. MATOIAN: One? What one was that?

25 MR. JOHNSON: It's been so far back.

1 It's probably one.

2 MS. MATOIAN: Okay. Can you tell me
3 about that?

4 MR. JOHNSON: It's been too far back
5 to remember. I know --

6 MS. MATOIAN: Was it at someone's
7 house? Was it at a business?

8 MR. JOHNSON: I can't remember.

9 MS. MATOIAN: Okay. Did you get
10 arrested for it?

11 MR. JOHNSON: No. It wasn't nothing
12 that serious.

13 MS. MATOIAN: Okay.

14 MR. ZIEGLER: I got a couple of
15 questions about stuff that you just said. You
16 mentioned your father was a pastor. Did you talk
17 to your father or your stepmother before you
18 called me? How did you get my number?

19 MR. JOHNSON: Well, the thing about
20 it, I want you all to realize and keep this in
21 mind, what keeps me is I believe in the Lord
22 Jesus Christ.

23 MR. ZIEGLER: Sure.

24 MR. JOHNSON: And I'm not proud of my
25 past, but what you sow you shall reap. And I

1 will always live by the Bible from here on out.

2 MR. ZIEGLER: Sure.

3 MR. JOHNSON: No matter what happens.

4 MR. ZIEGLER: Sure.

5 MR. JOHNSON: You know, I have to live
6 for right now, and I just have to just be open,
7 and when they call, whatever they call me to do,
8 I will go.

9 MR. ZIEGLER: Yeah. And I appreciate
10 you being open. I was just wondering how did you
11 get my number when you called me the other day.

12 MR. JOHNSON: Through my mom.

13 MR. ZIEGLER: Okay. Is that Barbara
14 Leah?

15 MR. JOHNSON: Barbara Leah.

16 MR. ZIEGLER: Okay. Okay.

17 MR. JOHNSON: Yeah. Both of them --
18 my dad's a pastor.

19 MR. ZIEGLER: Right. Right.

20 MR. JOHNSON: He's the pastor for
21 (indiscernible).

22 MR. ZIEGLER: And you mentioned a
23 couple times that you're on medication.

24 MR. JOHNSON: Yeah.

25 MR. ZIEGLER: How does that medication

1 affect you?

2 MR. JOHNSON: It makes me less

3 impulsive, more serious, thoughtful.

4 MR. ZIEGLER: Okay.

5 MR. JOHNSON: I've gained a lot of

6 weight. I'm HIV positive. I've been that way

7 since I was 21, but it changed me.

8 MR. ZIEGLER: Sure.

9 MS. MATOIAN: Do you feel like your

10 medication is helping you?

11 MR. JOHNSON: Yeah.

12 MS. MATOIAN: Good.

13 MR. ZIEGLER: You mentioned being

14 under some mental healthcare?

15 MR. JOHNSON: Yeah.

16 MR. ZIEGLER: Is it medication to help

17 with your mental health?

18 MR. JOHNSON: Yeah. I get shots.

19 MR. ZIEGLER: You get shots. What

20 mental health diagnosis are you being treated

21 for?

22 MR. JOHNSON: Schizoaffective, I think

23 that's what they call it.

24 MR. ZIEGLER: Okay.

25 MR. JOHNSON: You know, they used to

1 say it was -- I've been diagnosed with a lot of
2 different stuff. I know I can't blame nothing on
3 that like that. It's not going to be that. I
4 know right from wrong.

5 MR. ZIEGLER: Okay. Okay. Well, I
6 appreciate learning that.

7 Do we want to go back into Robin
8 Carmichael?

9 MS. MATOIAN: Yeah. So what did the
10 police, if you can remember, what did the police
11 say that Robin Carmichael said you did?

12 MR. JOHNSON: I don't want to go into
13 all that because that's been so long ago. It's
14 -- I can only say that the police came and talked
15 with me, the detectives or whatever the guy's
16 name. I don't even -- I can't even remember who
17 he is. I looked --

18 MS. MATOIAN: Did you recognize that
19 detective? Had you seen him before?

20 MR. JOHNSON: If I seen him today, I
21 wouldn't even know who he was, you know. I know
22 he came to me and I talked to him. Pretty much I
23 was a different person then, you know. I wasn't
24 like I am now. I didn't have God on my side, so
25 -- we didn't get along good.

1 MS. MATOIAN: Who, you and the
2 detective or you and Robin Carmichael?

3 MR. JOHNSON: Well, me and Robert
4 Carmichael.

5 MS. MATOIAN: So before, you said you
6 guys had just kind of grown apart, but was
7 there --

8 MR. JOHNSON: Yeah.

9 MS. MATOIAN: -- ever animosity
10 between you two? Did you two not get along or
11 did you just grow apart?

12 MR. JOHNSON: Robert was just like any
13 number of friends I've had over the years when I
14 was younger. We all did -- I had friends. I
15 broke in places and slept places. A lot of
16 places I had broke into I was sleeping in,
17 something like that, because I was homeless.
18 Well, I didn't have to be, but my dad loved us so
19 much that he abused us physically and mentally.

20 When I was -- I was on my own when I
21 was 16 probably and really getting my mother's
22 check, didn't know what I was doing with it. I
23 was out of my mind almost, you know. I'd get it
24 every month and I ain't nothing but 16, 17 years
25 old in my own apartment, don't know what I'm

1 doing. That's the way my life was.

2 MS. MATOIAN: Uh-huh.

3 MR. ZIEGLER: Sounds like that was

4 tough.

5 MR. JOHNSON: Yeah.

6 MS. MATOIAN: I'm sorry you went

7 through that.

8 MR. JOHNSON: But I thought it was

9 fun.

10 MR. ZIEGLER: Okay.

11 MR. JOHNSON: I thought it was fun.

12 MS. MATOIAN: To a point, right?

13 MR. JOHNSON: Yeah. Yeah.

14 MR. ZIEGLER: When you were breaking

15 in places to sleep, what kind of places was that?

16 MR. JOHNSON: Warehouses, old

17 buildings, like I've been caught in warehouses,

18 stuff like that.

19 MR. ZIEGLER: Was it ever a house

20 where people lived?

21 MR. JOHNSON: Yes. I've -- I have one

22 of them. I think I have one of them, but all my

23 life I've been doing B&Es.

24 MS. MATOIAN: What happened when you

25 broke into that house?

1 MR. JOHNSON: I got my butt beat, I
2 think.

3 MS. MATOIAN: Was someone in there?

4 MR. JOHNSON: Yeah. An old man was in
5 there and kicked my butt because I was drunk.

6 MS. MATOIAN: Did you get arrested for
7 that?

8 MR. JOHNSON: Yeah. I think I was on
9 LSD then.

10 MS. MATOIAN: You don't think you
11 broke into anyone else's house?

12 MR. JOHNSON: Yeah -- no. Yeah.
13 Yeah. Yeah, sure have, but I don't want to get
14 caught up in all that. That's a whole -- the
15 fact that I did it a long time ago, they could
16 probably come back and hold me, too.

17 MS. MATOIAN: When you were breaking
18 into places, what area of town were you breaking
19 into?

20 MR. JOHNSON: You know, grocery
21 stores.

22 MS. MATOIAN: But was it all around
23 Patterson Avenue where you were living?

24 MR. JOHNSON: No. No. Patterson
25 Avenue is just my -- where my grandmother lived.

1 My father lived in Easton, and I knew everybody
2 on the east side and over there, too.

3 MR. ZIEGLER: Where was that?

4 MR. JOHNSON: You know, when Sammy
5 Mitchell, met you, you remember when Sammy
6 Mitchell and Darryl Hunt and all them --

7 MR. ZIEGLER: Yes.

8 MR. JOHNSON: -- when that was going
9 on and all of that?

10 MR. ZIEGLER: Yes, sir.

11 MR. JOHNSON: Yeah.

12 MR. ZIEGLER: Did you know Sammy Hunt,
13 or Sammy Mitchell?

14 MR. JOHNSON: Yeah. Sammy Mitchell's
15 mother knew my grandmother before she died. She
16 -- my grandmother's dead now. I lived with my
17 grandmother. She was the rock.

18 MS. MATOIAN: She was special to you?

19 MR. JOHNSON: Yes.

20 MR. ZIEGLER: Were you -- would you
21 say Sammy Mitchell was a friend of yours?

22 MR. JOHNSON: Yeah.

23 MR. ZIEGLER: Were you just
24 (indiscernible)?

25 MR. JOHNSON: I was a childhood

1 (indiscernible) with Sammy Mitchell. He just was
2 somebody everybody knew. I know a lot of people
3 who know Sammy Mitchell to this day. In South
4 Carolina, they no longer live --

5 MR. ZIEGLER: Sure.

6 MR. JOHNSON: You know. You knew who
7 he was.

8 MR. ZIEGLER: Did you ever see him in
9 prison?

10 MR. JOHNSON: My daddy knows Sammy
11 Mitchell. Huh?

12 MR. ZIEGLER: Did you ever see Sammy
13 Mitchell when you were in prison?

14 MR. JOHNSON: Yeah. Yeah.

15 MR. ZIEGLER: Did you know what he was
16 in there for?

17 MR. JOHNSON: Yeah. Yeah. But I
18 didn't know the details.

19 MR. ZIEGLER: What did you know about
20 that?

21 MR. JOHNSON: Deborah Sykes, Deborah
22 Sykes murder, she -- no, that was Darryl Hunt.

23 MS. MATOIAN: Uh-huh.

24 MR. JOHNSON: Sammy Mitchell was in
25 there for some old man hitting him with an ax or

1 something.

2 MR. ZIEGLER: Do you know anything
3 about that?

4 MR. JOHNSON: No. I don't know
5 nothing about that.

6 MR. ZIEGLER: Did Sammy say anything
7 about that?

8 MR. JOHNSON: No. No. Sammy -- I --
9 you know, we weren't tight like that, you know.
10 It's a different world of drugs and you can't
11 trust nobody in there. And I'm -- you know, back
12 then it was a different time.

13 See, I kind of like come into age in
14 prison, you see, even though I didn't have to
15 stay in there, I still came up in prison. I
16 spent most of my life -- because I was doing dumb
17 crimes, getting caught sleeping in places,
18 churches and stuff like this, getting caught
19 sleeping.

20 MR. ZIEGLER: Uh-huh.

21 MR. JOHNSON: You know, and then --
22 and, you know, it just go to the point, you know,
23 it was just a -- you know -- you know, I was a
24 boy. My father was there for me. He would catch
25 me scooched down and do this and that probably,

1 but he couldn't, you know -- we didn't know each
2 other.

3 MR. ZIEGLER: Right.

4 MR. JOHNSON: I didn't meet my dad
5 until I was, Lord Jesus, I didn't meet my dad
6 until I was probably about 12. That's when I met
7 my father.

8 MR. ZIEGLER: Okay. Okay. And what
9 did you say -- where did your dad live? You said
10 East something.

11 MS. MATOIAN: Easton.

12 MR. JOHNSON: Easton.

13 MR. ZIEGLER: Easton. Is that -- how
14 do you spell that?

15 MR. JOHNSON: I don't know how to
16 spell that.

17 MR. ZIEGLER: Okay.

18 MR. JOHNSON: Probably how it sounds.

19 MR. ZIEGLER: All right. I'll do my
20 best.

21 MR. JOHNSON: Easton.

22 MR. ZIEGLER: Thank you.

23 MS. MATOIAN: That's still in Winston-
24 Salem, though, right? Just a different area than
25 the Patterson Avenue area?

1 MR. JOHNSON: Yeah. Yeah. Yes.

2 MS. MATOIAN: Okay.

3 MR. JOHNSON: It's -- they call it the
4 south side.

5 MS. MATOIAN: South side, okay.

6 MR. ZIEGLER: Okay.

7 MR. JOHNSON: I think it's the south
8 side.

9 MS. MATOIAN: Did you know -- I know
10 you said Robin Carmichael carried a gun. Did you
11 know him to be violent with anyone ever?

12 MR. JOHNSON: Well, Robert, you didn't
13 have to say yeah. Robert would get violent if he
14 -- he just like anybody else. He was a man, you
15 know. He was a young man.

16 MS. MATOIAN: Fair enough.

17 MR. JOHNSON: He was a quiet man, but
18 he did get mad.

19 MS. MATOIAN: If you got him mad?

20 MR. JOHNSON: Yeah.

21 MS. MATOIAN: Okay. But when he was
22 carrying around that gun and he was committing
23 crimes, did you ever know him to commit a violent
24 crime against anyone?

25 MR. JOHNSON: No. Robert carried that

1 gun for protection.

2 MS. MATOIAN: Okay. What did he need
3 protection from?

4 MR. JOHNSON: I don't know, but he
5 just started carrying that gun just like there's
6 a guy named Greg Johnson. He was one of my best
7 friends, too. Greg Johnson, he used to carry
8 guns, too, but you know, I don't know if he's
9 dead or still alive. He's Winston-Salem, too,
10 but we went to school together.

11 You know, there's so many different
12 people I could tell you about.

13 MS. MATOIAN: Were -- was Robin
14 Carmichael part of, for lack of a better word, a
15 gang or did he run around by himself?

16 MR. JOHNSON: No. There was no gangs
17 around here.

18 MS. MATOIAN: Okay.

19 MR. JOHNSON: I was waiting for them
20 gangs. There was no gangs here.

21 MS. MATOIAN: Okay.

22 MR. JOHNSON: You'd go in prison and
23 then Mickey Mouse get in prison, get out pretty
24 much all right, but now it's a whole different
25 world. These gangs and stuff, it's not a pretty

1 sight.

2 MS. MATOIAN: Since the police came
3 and talked to you about Blanche Bryson, has
4 anyone else come and talk to you about Blanche
5 Bryson before us?

6 MR. JOHNSON: No. It's the only one
7 that came. That officer came back there when I
8 was like 21.

9 MS. MATOIAN: And you're saying today
10 that you know nothing about the murder of a woman
11 named Blanche Bryson; is that correct?

12 MR. JOHNSON: No, I don't know nothing
13 about it. And if I'm trying to recall -- well, I
14 know about it.

15 MS. MATOIAN: What do you know about
16 it?

17 MR. JOHNSON: From the officer, what
18 the officer told me.

19 MS. MATOIAN: Do you remember what he
20 told you?

21 MR. JOHNSON: I don't remember exactly
22 what he told me, but I know she got murdered.

23 MS. MATOIAN: Okay. Did you ever --
24 did you know anyone who lived on Gilmer Avenue?

25 MR. JOHNSON: Gilmer.

1 MS. MATOIAN: Uh-huh.

2 MR. ZIEGLER: There's a little park
3 there on Gilmer Avenue.

4 MR. JOHNSON: Gilmer Avenue.

5 MS. MATOIAN: I might have --

6 MR. JOHNSON: I thought many people
7 lived over there. We grew up over there.

8 MR. ZIEGLER: If we say Gilmer Avenue,
9 can you -- you know that street?

10 MR. JOHNSON: I know where you're
11 talking about, yeah. I used to live up there
12 close by around there. I had a lot of friends up
13 there.

14 MS. MATOIAN: Number 14 has two
15 versions of the same map, but it seems like
16 Gilmer is right up here. Did you know who
17 Blanche Bryson was? She had worked in the
18 cafeteria at one of the schools, older woman.

19 MR. JOHNSON: Blanche Bryson?

20 MS. MATOIAN: Uh-huh.

21 MR. JOHNSON: No. I remember a
22 picture in the paper.

23 MS. MATOIAN: Was that after she was
24 killed?

25 MR. JOHNSON: Yeah.

1 MS. MATOIAN: So you knew about the
2 murder before the police, like you knew she had
3 been killed because you saw it in the paper?

4 MR. JOHNSON: I remember when they
5 brought it to my attention because I remember my
6 uncle had it on the table.

7 MS. MATOIAN: Okay. What was your
8 uncle's name?

9 MR. JOHNSON: Buck, he's dead now.

10 MS. MATOIAN: Buck, okay. So you just
11 heard about it from seeing it in the news?

12 MR. JOHNSON: Yeah.

13 MS. MATOIAN: Okay. Did your uncle
14 know her?

15 MR. JOHNSON: No.

16 MS. MATOIAN: Did you know her?

17 MR. JOHNSON: No.

18 MS. MATOIAN: Had you ever been -- and
19 she lived at 2705 Gilmer Avenue. Had you ever
20 been in that house?

21 MR. JOHNSON: No.

22 MS. MATOIAN: Did you ever have any
23 reason to be in that house?

24 MR. JOHNSON: Let me be real with you.
25 I know about this situation.

1 MS. MATOIAN: Uh-huh.

2 MR. JOHNSON: You hear -- I believe in
3 the Lord Jesus Christ. I know about this
4 situation.

5 MR. ZIEGLER: Will you tell us what
6 you know?

7 MR. JOHNSON: Yeah, but I need to have
8 some assurances. We can go ahead and get me on
9 -- up the road and I can tell you what happened.
10 You can go ahead and tell them to get me because
11 I don't know how I would take it. I don't think
12 I can stay here, you know. I don't think I can
13 handle it. I have to go ahead and do what I got
14 to do to get me off the street.

15 MR. ZIEGLER: What is it that you
16 can't handle?

17 MR. JOHNSON: No. I'm saying -- I
18 just told you, I know about this situation, but I
19 need some civil assurances.

20 MS. MATOIAN: What kind of assurances
21 are you talking about?

22 MR. JOHNSON: I need to go ahead and
23 -- I don't -- I need to go ahead and get locked
24 up.

25 MS. MATOIAN: Why do you need to be

1 locked up?

2 MR. JOHNSON: Because I know about
3 this situation.

4 MS. MATOIAN: Can you tell me what you
5 know?

6 MR. JOHNSON: Yes. I know Robert
7 Carmichael.

8 MS. MATOIAN: Okay.

9 MR. JOHNSON: We grew up together. We
10 was kids, 16, 17, 18. Went to school together.
11 And one night I was homeless. I was homeless,
12 too. This -- I was homeless and, you know, he
13 never knew when I was homeless or when I wasn't
14 because I didn't carry myself like a homeless
15 person.

16 MS. MATOIAN: Okay.

17 MR. ZIEGLER: Uh-huh.

18 MR. JOHNSON: And I knew so many
19 people who give me a hand when my daddy would
20 swoop down and help me, but it just -- if
21 anything got that bad, I would just get the money
22 and -- from my mother's death, you know, each
23 month and spend it up and running the streets.
24 And sometimes I didn't have a place to stay. And
25 I came over to his house one night, Robert

1 Carmichael, and -- well, no, I was walking. I
2 was on LSD that night and stuff.

3 MS. MATOIAN: Uh-huh.

4 MR. JOHNSON: And I was coherent, you
5 know. I knew what I was doing. I was looking
6 around. I was hungry. I was looking around in
7 the house of that street, Gilmer --

8 MR. ZIEGLER: Yes, sir.

9 MR. JOHNSON: -- and something told
10 me, a voice told me to go check that house.
11 There weren't no car in the driveway, nothing in
12 the driveway. I went to the house and I opened
13 the door. I don't know how it was open, why it
14 was open, what it was doing open, but it was
15 open. I went in it.

16 MR. ZIEGLER: Was that a front door?

17 MR. JOHNSON: Front door. I was --
18 went in. Nobody was there. I could tell nobody
19 was there and I closed the door behind me and
20 started looking around. Before I know it, I
21 heard a car coming in the driveway and this Ms.
22 Bryson comes in and surprises me, and I choked
23 her out.

24 MS. MATOIAN: With your hand?

25 MR. JOHNSON: With my arm. I don't

1 know, I think I put some cord around her. I
2 can't remember. I just had nightmares from
3 there. I've been having nightmares. It's
4 haunted me, haunted me. I knew the day would
5 come. I left. The day was just going too fast,
6 doom, doom, doom, bell, and I'm hearing these
7 voices, so everything's spinning around, so I was
8 looking around real quick. I grabbed -- I think
9 I grabbed some money out of her purse, and I
10 think -- it's been so long ago. I think I left
11 and got her car key. Got her car keys, went in
12 the car, and drove out. And there was a car
13 wanting to go fast, but it wouldn't go fast, and
14 I wouldn't let it go fast because I didn't know
15 how to drive. So finally, he backed up and I
16 left, went to Robert Carmichael's house. I told
17 him what I had done and told him we needed to go
18 back to see if we can find any more money. And
19 then at that time, I thought she was probably
20 still just laying there knocked out or something.
21 And all the time I was just spinning, but I'm
22 coherent, you know. I'm telling him to, "Make
23 sure you wipe your prints off." I say, "You know
24 what's going to happen." And we went back to the
25 house. After I picked him up, he jumped in and

1 went back to her house and I say, "Go in. You go
2 in this time. I'm just going to keep the car
3 running." And he went in, stayed there a few
4 minutes, then he come out. It wasn't a few
5 minutes, but probably a minute. Just seemed
6 long, but he went in there and I -- then he came
7 back out, jumped in. And that's when I seen he
8 had -- seen that he had the little bag. But I
9 had moved that bag.

10 MS. MATOIAN: The first time you were
11 in the house?

12 MR. JOHNSON: Yeah.

13 MS. MATOIAN: Okay.

14 MR. JOHNSON: And that's how I know he
15 had it. Basically, he just picked it up after I
16 had it.

17 MR. ZIEGLER: Do you recall if you
18 were wearing gloves that day?

19 MR. JOHNSON: Huh?

20 MR. ZIEGLER: Do you remember if you
21 were wearing gloves that day?

22 MR. JOHNSON: I don't know if I was
23 wearing gloves. I know -- all I know is this, I
24 was on that LSD and it was just flying.

25 MS. MATOIAN: And the first time you

4 MS. MATOIAN: Okay. And then you came
5 back with Robin Carmichael?

7 MS. MATOIAN: Were you wearing a hat
8 that night?

10 MS. MATOIAN: Did you have a brown
11 hat?

12 MR. JOHNSON: I don't know. I don't
13 remember.

14 MS. MATOIAN: Does Robin Carmichael
15 have a brown hat?

16 MR. JOHNSON: I don't remember. It's
17 been so long ago.

18 MS. MATOIAN: Did you know that she
19 was dead when you left the house?

20 MR. JOHNSON: I don't even remember if
21 it happened in the summertime or the wintertime.

22 MS. MATOIAN: Have you ever told
23 anyone else about this?

25 MS. MATOIAN: God. But you kept it to

1 yourself all these years?

2 MR. JOHNSON: Been driving me crazy.

3 MS. MATOIAN: Yeah.

4 MR. JOHNSON: I knew -- I ain't no
5 serial killer, but I overreacted. She just
6 surprised me, you know. I put her in a choke
7 hold. I didn't think I was going to kill her or
8 nothing, and I put the thing around her neck. I
9 don't know why the hell I did that.

10 MS. MATOIAN: Do you remember where
11 you got that?

12 MR. JOHNSON: No. Don't know where I
13 got it. I knew that -- I told -- I had a chance
14 to tell my story to God.

15 MS. MATOIAN: Uh-huh.

16 MR. JOHNSON: But he wouldn't allow me
17 to turn myself in. My father's a pastor.

18 MS. MATOIAN: Uh-huh.

19 MR. JOHNSON: And I was a boy. I
20 would never in a thousand years since I've been
21 30 years old. Ain't no way.

22 MS. MATOIAN: Did you know that --

23 MR. JOHNSON: But it's over.

24 MS. MATOIAN: -- somebody was in -- is
25 in prison for that crime, that Merritt Williams

1 Drayton is in prison for that crime?

2 MR. JOHNSON: I thought it was Robert
3 Carmichael.

4 MS. MATOIAN: He was, too.

5 MR. ZIEGLER: There were two people
6 that went to prison for this.

7 MS. MATOIAN: But Merritt --

8 MR. JOHNSON: I don't know who the
9 other one is. All I know Robert Carmichael.

10 MS. MATOIAN: Merritt Williams was
11 convicted a few years before Robin Carmichael
12 was. Did you know that someone else was --

13 MR. JOHNSON: But his DNA ain't on
14 there, is it?

15 MR. ZIEGLER: We can't say because --

16 MS. MATOIAN: I can't talk about our
17 investigation.

18 MR. ZIEGLER: -- it's a confidential
19 investigation.

20 MS. MATOIAN: But I'm just asking if
21 you knew that this man has been in prison for
22 that crime?

23 MR. JOHNSON: No, I wasn't aware. I
24 thought Robert Carmichael was the one, but I
25 didn't know nothing about this other --

1 MR. ZIEGLER: As far as you know, was
2 there anyone other than you or Robert Carmichael,
3 Robin Carmichael, who went in the house that
4 night?

5 MR. JOHNSON: Somebody went in after I
6 came out.

7 MR. ZIEGLER: As far as you know --

8 MR. JOHNSON: As far as I know, unless
9 he went back.

10 MR. ZIEGLER: Okay. Do you remember
11 what -- you told us that when you went back, you
12 stayed in the car and Robert -- Robin Carmichael
13 went in the house; is that correct?

14 MR. JOHNSON: Who?

15 MR. ZIEGLER: When you came back --

16 MR. JOHNSON: I stayed back and Robin
17 come in.

18 MR. ZIEGLER: When he came back and
19 got in the car, do you remember what happened
20 next?

21 MR. JOHNSON: No. I just got --
22 pulled the car out. The car was pulled in and I
23 waited it out until it backed out of the way and
24 I got -- went over.

25 MR. ZIEGLER: Where did you go?

1 MR. JOHNSON: We went up to Bloom
2 Park, behind there, parked the car, wiped the car
3 down, and we left and went over Robert's house.
4 Then smoked cocaine. We went over this liquor
5 house called Kirk's.

6 MR. ZIEGLER: Did you talk about what
7 had happened?

8 MR. JOHNSON: Yeah.

9 MS. MATOIAN: What did you guys say to
10 each other?

11 MR. JOHNSON: We really wasn't taking
12 it seriously.

13 MS. MATOIAN: No?

14 MR. JOHNSON: We knew that only me and
15 him knew, you know. He knew. We didn't say
16 nothing else about it.

17 MR. ZIEGLER: Did you know that Ms.
18 Bryson was dead?

19 MR. JOHNSON: I didn't know she was
20 dead. I thought she was just passed out, but
21 this -- that don't sound right because I remember
22 I put a cord around her neck for about two or
23 three seconds, so I don't know how
24 (indiscernible) supposedly. I don't know what I
25 was doing. I wasn't -- I kind of figured she was

1 still alive. I didn't really know she was dead
2 because it didn't take long. She didn't put up
3 much of a fight, and it didn't take long to --

4 MS. MATOIAN: Did she --

5 MR. JOHNSON: She didn't suffer at
6 all.

7 MS. MATOIAN: -- say anything to you
8 when she came in the house?

9 MR. JOHNSON: No. It was just she had
10 her back turned and I looked out of her bedroom I
11 was looking, and then she put -- she was putting
12 -- she was turning around, and that's when I
13 choked her. And she put up a little fight and
14 she just went out.

15 I don't know how the hell a man can
16 forget something like that. You can't -- I
17 talked to my dad.

18 MS. MATOIAN: Uh-huh. About this?

19 MR. JOHNSON: About life.

20 MS. MATOIAN: Uh-huh.

21 MR. ZIEGLER: Have you ever told your
22 dad about this?

23 MR. JOHNSON: No.

24 MR. ZIEGLER: Have you ever told
25 anyone about this?

1 MR. JOHNSON: Not yet.

2 MS. MATOIAN: We appreciate you coming
3 out --

4 MR. ZIEGLER: I know this is
5 difficult. We appreciate you talking to us.

6 MR. JOHNSON: I've had a lot of time
7 to think about this, this moment. I never
8 thought it would be -- come for real, but when
9 that DNA came around, you know. I did get
10 scratched, though. I think she raised back and
11 scratched me.

12 MS. MATOIAN: She scratched you? Was
13 -- I know you said you and Mr. Carmichael talked
14 about it later that night. You weren't really
15 taking it seriously. Did you ever talk about it
16 again?

17 MR. JOHNSON: No.

18 MS. MATOIAN: When you said you went
19 over -- when you took her car and went over to
20 Mr. Carmichael's house, what did you tell him
21 that had happened?

22 MR. JOHNSON: I told him that I had
23 broken into her house and the woman in there,
24 she's knocked out. And I remember telling him
25 there's a woman in there and he can go in there

1 and see if he can get -- steal some more, what
2 else -- whatever he can get out of there. And me
3 and Robert Carmichael went back over there and he
4 didn't stay long, which I can understand. That's
5 why I didn't get mad at him when he came right
6 back out.

7 MS. MATOIAN: Were you still driving
8 and he was in the passenger seat?

9 MR. JOHNSON: I was driving.

10 MS. MATOIAN: Okay.

11 MR. JOHNSON: But he got back in.
12 When he got back in, we just pulled out.

13 MS. MATOIAN: Do you recall trying to
14 move the TV?

15 MR. JOHNSON: No.

16 MS. MATOIAN: Did Mr. Carmichael say
17 anything to you about a TV?

18 MR. JOHNSON: Unless somebody came
19 back and moved it. No.

20 MS. MATOIAN: Why didn't you go back
21 in when you went back? When Mr. Carmichael went
22 in, why did you stay in the car?

23 MR. JOHNSON: The car was a handful
24 for me, you know, so I was just making sure I was
25 under the control of the car because it was a

1 handful and I told him to go back in there.

2 Maybe he could find some money, something small,
3 something like that.

4 MS. MATOIAN: About how much money did
5 you get out of her purse; do you remember?

6 MR. JOHNSON: Maybe \$100.

7 MS. MATOIAN: Did you use that to go
8 buy cocaine later?

9 MR. JOHNSON: Yeah.

10 MS. MATOIAN: Okay.

11 MR. JOHNSON: And Robert did.

12 MS. MATOIAN: Did you two -- when you
13 guys fell out, did you fall out after this?

14 MR. JOHNSON: No. We never did.

15 MS. MATOIAN: No? You were still
16 friends for a while?

17 MR. JOHNSON: We just grew apart.

18 MS. MATOIAN: Never talked about this
19 again?

20 MR. JOHNSON: No.

21 MS. MATOIAN: Do you remember anything
22 other than money you took from her house?

23 MR. JOHNSON: Nothing else. That's
24 it, and the trinkets.

25 MS. MATOIAN: The trinkets that were

1 in the bag?

2 MR. JOHNSON: Yeah.

3 MS. MATOIAN: Did you smoke cigarettes

4 at the time?

5 MR. JOHNSON: Yeah.

6 MS. MATOIAN: Do you remember smoking

7 cigarettes at the time?

8 MR. JOHNSON: No.

9 MS. MATOIAN: No? What brand did you

10 smoke?

11 MR. JOHNSON: Probably two or three

12 different kinds. I like Backwoods cigars,

13 chewing tobacco, Newports, Cools. I was smoking

14 all different types of stuff.

15 MS. MATOIAN: Thinking about the --

16 MR. JOHNSON: I don't smoke no more.

17 MS. MATOIAN: Thinking about being in

18 that car, what do you -- do you remember there

19 being objects in the car like things that

20 belonged to Ms. Bryson?

21 MR. JOHNSON: No.

22 MS. MATOIAN: No?

23 MR. JOHNSON: We didn't even go in the

24 trunk.

25 MS. MATOIAN: I'm going to show you --

1 and I put --

2 MR. JOHNSON: How long is this going
3 to take to go through and they contact me?

4 MS. MATOIAN: Who's going to contact
5 you?

6 MR. JOHNSON: The police.

7 MS. MATOIAN: So the Commission is
8 investigating Mr. Williams' claim, and that's the
9 only thing that we're doing, so I can't say what
10 the police are or are not going to do.

11 This is Number 15. Do you recognize
12 that?

13 MR. JOHNSON: Yeah. Yeah. Yeah.

14 MS. MATOIAN: Is that the car that you
15 took from her?

16 MR. JOHNSON: Looks like it.

17 MS. MATOIAN: See that piece of
18 clothing off to the side, do you remember that?

19 MR. JOHNSON: Might have been
20 something we was wiping off the car with.

21 MS. MATOIAN: Okay. Did you know
22 whose house that was when you went into it?

23 MR. JOHNSON: No.

24 MS. MATOIAN: You said something just
25 told you to go into that house and you didn't see

1 a car outside?

2 MR. JOHNSON: No. I just looked at
3 it, didn't see a car. It looked dark, and
4 something told me to go to it and I went to it
5 and opened the screen door, tried the lock, the
6 lock/doorknob, and it came open.

7 MS. MATOIAN: Other than her purse, do
8 you remember touching anything else in the house,
9 the purse and the cord?

10 MR. JOHNSON: I don't remember. It
11 was going so fast. I was coherent to a certain
12 degree, but I was on LSD because I don't remember
13 taking not much of nothing.

14 MS. MATOIAN: What would -- when you
15 took LSD, how did it usually make you act?

16 MR. JOHNSON: Just made things more
17 vivid, hallucinate. The kids don't do that stuff
18 now, the LSD. They want something quick. But
19 back then, that's what we was doing.

20 MR. ZIEGLER: Do you remember if you
21 were hallucinating that night?

22 MR. JOHNSON: Yeah. And I heard the
23 voice tell me the door was open, I mean, that
24 door was open and nobody was home.

25 MR. ZIEGLER: At the time you and

1 Robin Carmichael got arrested for this, I think
2 if I recall from what you had told us, you were
3 in like a U-camp when the police came and talked
4 to you; is that right?

5 MR. JOHNSON: Yeah.

6 MR. ZIEGLER: Did you know -- did you
7 hear about Robin Carmichael getting arrested for
8 this?

9 MR. JOHNSON: No. I didn't know
10 anything about it.

11 MS. MATOIAN: Until the police came
12 and talked to you?

13 MR. JOHNSON: Yeah.

14 MS. MATOIAN: Okay.

15 MR. ZIEGLER: And what were you
16 thinking when they came to you and told you about
17 Robin Carmichael?

18 MR. JOHNSON: That he was in prison.

19 MR. ZIEGLER: Were you scared when you
20 found out that he brought your name up?

21 MR. JOHNSON: No.

22 MS. MATOIAN: I mean, did you think
23 that they were going to arrest you at that time?

24 MR. JOHNSON: Yeah.

25 MS. MATOIAN: Were you surprised when

1 they didn't?

2 MR. JOHNSON: Yeah.

3 MS. MATOIAN: This is 16. Do you

4 recognize that glove?

5 MR. JOHNSON: There ain't no way I

6 could remember that right there.

7 MS. MATOIAN: Okay.

8 MR. JOHNSON: I don't even remember

9 even having on a glove.

10 MS. MATOIAN: When you went to Mr.

11 Carmichael's house, did you tell him that your

12 old lady and another man had jumped you?

13 MR. JOHNSON: Huh?

14 MS. MATOIAN: When you went to Robin

15 Carmichael's house that night, did you tell him

16 that your girlfriend and another man had jumped

17 you and that you needed to go get your TV?

18 MR. JOHNSON: No.

19 MS. MATOIAN: Were you bleeding from

20 your lip?

21 MR. JOHNSON: No.

22 MS. MATOIAN: No? You think. You

23 think Ms. Bryson scratched you in the back of

24 your head. That's what you said earlier, right?

25 MR. JOHNSON: Right. Yeah, somewhere

1 around there.

2 MS. MATOIAN: Were you bleeding at
3 all; do you remember?

4 MR. JOHNSON: That's the only thing I
5 remember. I remember I had some scratches the
6 next day.

7 MS. MATOIAN: Did anyone else notice
8 those scratches or mention those to you?

9 MR. JOHNSON: No. There weren't
10 really a lot.

11 MS. MATOIAN: Okay. So you didn't
12 tell Mr. Carmichael that someone had jumped you
13 and you needed to go get your stuff from a
14 girlfriend's house?

15 MR. JOHNSON: No.

16 MS. MATOIAN: No. And when you went
17 back, you went inside, or, I'm sorry, Mr.
18 Carmichael went inside, not you?

19 MR. JOHNSON: Yeah. He went inside.

20 MS. MATOIAN: If Mr. Carmichael said
21 you went inside when you got back and he stayed
22 outside, would that be true?

23 MR. JOHNSON: Well, like I said, as
24 far as I'm willing to go, and all I've been
25 thinking about this the whole time, I'm ready to

1 go all the way with the Lord. That's it.

2 MS. MATOIAN: Okay.

3 MR. JOHNSON: You know, I know what
4 I'm facing, and you know, I've been thinking
5 about this. I just wish I had a little more time
6 because I know this is going to hit like
7 wildfire. Just one more day.

8 MR. ZIEGLER: Well, we appreciate you
9 speaking with us today. Have you told us the
10 truth as best as you can remember it?

11 MR. JOHNSON: Yeah. Yes. This
12 disposition (sic), make sure I keep that
13 appointment.

14 MS. MATOIAN: Yeah. And we -- do we
15 have your number so we can call -- I know it's
16 about a month away --

17 MR. JOHNSON: Yeah.

18 MS. MATOIAN: -- so we can call and
19 remind you and see if you need a ride.

20 We appreciate you talking with us. I
21 know that was difficult for you, Mr. Johnson. Do
22 you have any questions for me before your
23 deposition?

24 MR. JOHNSON: I'm all right.

25 MS. MATOIAN: Is there anything else

1 you think I should know before the deposition?

2 MR. JOHNSON: No.

3 MS. MATOIAN: Okay.

4 MR. ZIEGLER: Again, we are the North
5 Carolina Innocence Inquiry Commission. We're a
6 neutral agency, so are not law enforcement and we
7 do not make arrests. We do not charge people.

8 MS. MATOIAN: All we are doing is
9 investigating Merritt Williams Drayton.

10 MR. JOHNSON: Could you all tell me
11 when they want me to turn myself in?

12 MR. ZIEGLER: So any decision like
13 that is going to be coming from those agencies.

14 MS. MATOIAN: And I don't know that
15 they would even tell us.

16 MR. ZIEGLER: Right.

17 MR. JOHNSON: So when this is going to
18 (indiscernible)?

19 MS. MATOIAN: I can't say. I don't
20 know.

21 MR. ZIEGLER: Yeah. I'd give you
22 answers if I could.

23 MS. MATOIAN: If we had them, but we
24 just don't know because that's -- we're not law
25 enforcement, so that -- those decisions are up to

1 them, and I don't know how much law enforcement
2 would involve us in those decisions, if that
3 makes sense.

4 MR. ZIEGLER: Right. So like
5 Catherine said, those decisions are up to law
6 enforcement.

7 MS. MATOIAN: Here, why don't you keep
8 my card. You've got mine and -- that way you
9 have mine and Brian's.

10 MR. ZIEGLER: As far as we leave this
11 here today, I'm planning on calling your cell
12 phone to get in touch about seeing you on May
13 2nd. I don't know what other people, other law
14 enforcement or whoever might do in between then,
15 but as of right now --

16 MR. JOHNSON: They'll be hearing about
17 that, though, right?

18 MR. ZIEGLER: Yes.

19 MR. JOHNSON: Yeah.

20 MR. ZIEGLER: And as of right now,
21 we're going to leave it and I'm going to get in
22 touch with you and we'll give you a ride if you
23 need one on May 2nd or whatever, but other
24 agencies may intervene in the meantime. I think
25 you understand that --

1 MR. JOHNSON: Okay.

2 MR. ZIEGLER: -- but that's not our
3 decision.

4 MS. MATOIAN: So our investigation is
5 going to proceed.

6 MR. JOHNSON: Why don't you just tell
7 them to come to my house around 3:00, they can
8 get me?

9 MR. ZIEGLER: I appreciate you being
10 honest with us, so --

11 MS. MATOIAN: Thank you.

12 MR. ZIEGLER: We've got your contact,
13 and I know you've got your classes until the
14 afternoon.

15 MS. MATOIAN: Thank you, Mr. Johnson.

16 MR. ZIEGLER: It was nice to meet you,
17 sir. I appreciate your time.

18 MR. JOHNSON: Thank you. All right.

19 MS. MATOIAN: It was nice to meet you.

20 MR. JOHNSON: Thank you.

21 (The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 7` pages of this transcript of the recorded interview of Darren Johnson was taken on March 19, 2019, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This is the 28th day of March, 2019.



GLORIA VEILLEUX
Notary Public

Handout 16

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
Fingernail scrapings of Victim	<p>1987 Crime Lab Testing</p> <ul style="list-style-type: none"> 6/8/1987: Fiber examination. No associations made with Williams' toboggan collected from the jail or the fiber samples from Williams' apartment. <p>2018 Bode Cellmark Forensics Testing</p> <ul style="list-style-type: none"> 8/2/2018: STR DNA mixture profile developed consistent with a mixture of two individuals, including at least one male. Merritt Williams and Robbin Carmichael excluded as contributors. <p>2018 NC State Crime Lab CODIS Determination</p> <ul style="list-style-type: none"> 9/7/2018: Bode mixture profile uploaded to CODIS database with negative results. <p>2019 Clement Consulting Comparisons</p> <ul style="list-style-type: none"> 4/4/2019: Darren Johnson cannot be excluded as a contributor to the STR DNA mixture profile from Bode. Terry Smith and Lester Davis are excluded as contributors. Statistics: The probability of randomly selected an unrelated individual who would be included as a contributor to the DNA mixture found on the fingernail scrapings at the 12 loci is: <ul style="list-style-type: none"> 1 in 2,500,000,000 for the Caucasian population 1 in 71,000,000 for the African American population 1 in 580,000,000 for the Hispanic population <p>NOTE: The Commission does not have a DNA standard for the Victim.</p>
Velour Bag Containing Gold Necklace Collected from Carmichael (.03)	<p>2018 DNA Labs International Testing</p> <ul style="list-style-type: none"> 12/28/2018: STR DNA mixture profile developed that is consistent with a mixture of at least two individuals, including at least one male. Williams was excluded as a contributor. Carmichael could not be excluded as a contributor. <p>2019 DNA Labs International Testing</p> <ul style="list-style-type: none"> 4/22/2019: Johnson, Davis, and Smith excluded as contributors to this mixture.
Winston 100 Cigarette Butt from Victim's Car (4.6)	<p>2019 Sorenson Forensics Testing</p> <ul style="list-style-type: none"> 3/28/2019: Partial STR DNA profile developed. This DNA profile matches the profile developed for Robbin Carmichael. Williams, Johnson, Davis, and Smith are excluded as the sources of this DNA profile.

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
Overnight Bag from Victim's Car	<p>2018 Sorenson Forensics Testing</p> <ul style="list-style-type: none"> 12/20/2018: STR DNA mixture profile developed consistent with at least three contributors, including at least two males. This mixture was inconclusive. <p>2019 Sorenson Forensics Testing</p> <ul style="list-style-type: none"> 3/28/2019: Y-STR DNA mixture profile developed consistent with at least four male contributors. Due to the complexity of this mixture, this mixture is inconclusive. <p>2019 Clement Consulting Comparison</p> <ul style="list-style-type: none"> 5/13/2019: Williams, Carmichael, Johnson, Davis, and Smith are excluded as contributors to the Y-STR profile.
Makeup Bag from Victim's Home	<p>2019 Sorenson Forensics Testing</p> <ul style="list-style-type: none"> 3/28/2019: Y-STR DNA mixture profile developed consistent with at least two male contributors. This mixture is inconclusive. <p>2019 Clement Consulting Comparison</p> <ul style="list-style-type: none"> 5/13/2019: Williams, Carmichael, Johnson, Davis, and Smith are excluded as contributors to the Y-STR profile.
Black Glove Found On NE Bedroom Floor of Victim's Home	<p>1987 Crime Lab Testing</p> <ul style="list-style-type: none"> 6/8/1987: Fiber examination. No associations made with Williams' toboggan collected from the jail or the fiber samples from Williams' apartment. <p>2018 Bode Cellmark Forensics Testing</p> <ul style="list-style-type: none"> 8/2/2018: STR DNA mixture profile developed consistent with three or more individuals, including at least one male. Due to the possibility of allelic dropout, no conclusions could be made. <p>2018 DNA Labs International Testing</p> <ul style="list-style-type: none"> 12/28/2018: Testing using the extracts from Bode to conduct probabilistic genotyping (STRMix). STR DNA mixture profile developed consistent with a mixture of at least three individuals, including at least one male. Although the lab did not exclude Carmichael and Williams, the STRMix software failed to produce results that supported Carmichael and Williams as contributors to the mixture. <p>2019 DNA Labs International Testing</p> <ul style="list-style-type: none"> 4/22/2019: Johnson and Davis excluded as contributors to the DNALI mixture profile. Although the lab did not exclude Smith, the

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
	<p>STRMix software failed to produce results that supported Smith as a contributor to the mixture.</p> <p>2019 Clement Consulting Comparisons</p> <ul style="list-style-type: none"> 4/4/2019: Bode mixture profile is suitable for exclusionary purposes. Johnson, Davis, and Smith are excluded as contributors to this mixture. 5/13/2019: Williams and Carmichael are excluded as contributors to the Bode mixture profile. 5/13/2019: The DNALI mixture profile is similar to the Bode mixture profile. The STRMix software failed to produce results for the DNALI mixture profile that supported a base conclusion that Williams, Carmichael, and Smith were actual contributors.
Velour Bag Containing Gold Necklace Collected from Carmichael (.01)	<p>2018 DNA Labs International Testing</p> <ul style="list-style-type: none"> 12/28/2018: STR DNA mixture profile developed that is consistent with a mixture of at least four individuals, including at least one male contributor. Due to the complex nature of this profile, it is inconclusive for comparison purposes. <p>2019 Clement Consulting Comparison</p> <ul style="list-style-type: none"> 5/13/2019: Concurs with DNALI that mixture is too complex for comparison.
Velour Bag Containing Gold Necklace Collected from Carmichael (.02)	<p>2018 DNA Labs International Testing</p> <ul style="list-style-type: none"> 12/28/2018: Due to limited nature of DNA obtained, the profile was inconclusive for comparison purposes. NOTE: profile only developed at one loci. <p>2019 Clement Consulting Comparison</p> <ul style="list-style-type: none"> 5/13/2019: Concurs with DNALI that mixture is too limited for comparison.
Velour Bag Containing Silver Necklace Collected from Carmichael (.04)	<p>2018 DNA Labs International Testing</p> <ul style="list-style-type: none"> 12/28/2018: STR DNA mixture profile developed that is consistent with a mixture of at least three individuals, including at least one male. Due to complex nature of DNA obtained, the profile was inconclusive for comparison purposes. <p>2019 Clement Consulting Comparison</p> <ul style="list-style-type: none"> 5/13/2019: Concurs with DNALI that profile is too complex for comparison.

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
Velour Bag Containing Silver Hoop Earring Collected from Carmichael (.05)	2018 DNA Labs International Testing <ul style="list-style-type: none"> 12/28/2018: STR DNA profile developed that is consistent with at least one contributor. Due to the complex nature of this DNA profile, it is inconclusive for comparison purposes. 2019 Clement Consulting Comparison <ul style="list-style-type: none"> 5/13/2019: Concurs with DNALI that profile is inconclusive because it is too limited for comparison purposes.
Two (2) China Plates from Victim's Car	2018 Sorenson Forensics Testing <ul style="list-style-type: none"> 12/20/2018: No male DNA detected. No further testing conducted.
Shawl from Victim's Car	2018 Sorenson Forensics Testing <ul style="list-style-type: none"> 12/20/2018: Tested in two pieces. Due to low levels of male DNA on these items, no further testing conducted.
Salem Cigarette Butt from Victim's Car (4.1)	2019 Sorenson Forensics File <ul style="list-style-type: none"> 3/28/2019: No male DNA detected on this item. No further testing conducted.
Winston 100 Cigarette Butt from Victim's Car (4.2)	2019 Sorenson Forensics Testing <ul style="list-style-type: none"> 3/28/2019: Y-STR DNA testing conducted. No Y-STR profile developed.
Winston 100 Cigarette Butt from Victim's Car (4.3)	2019 Sorenson Forensics File <ul style="list-style-type: none"> 3/28/2019: No male DNA detected on this item. No further testing conducted.
Winston 100 Cigarette Butt from Victim's Car (4.4)	2019 Sorenson Forensics File <ul style="list-style-type: none"> 3/28/2019: No male DNA detected on this item. No further testing conducted.
Winston 100 Cigarette Butt from Victim's Car (4.5)	2019 Sorenson Forensics File <ul style="list-style-type: none"> 3/28/2019: No male DNA detected on this item. No further testing conducted.
Latent Fingerprint from Lid of Candy Dish on NW Bedroom Floor of Bryson's Home	1985-1988 Winston Salem Police Department Comparisons Remains unidentified. Comparison With Negative Results (Various Dates): <ul style="list-style-type: none"> Blanche Bryson (12/13/1985) Merritt Williams Drayton (4/18/1986) Terry Lee Smith (4/18/1986) Sammy Mitchell (4/18/1986) Anthony Q. Venson (2/11/1986 and 4/21/1986) Lester Davis (date unknown) Robbin Carmichael (3/9/1988) Darren Johnson (3/9/1988) Michael O. Spence (12/20/1985) Antonio Dubose (12/20/1985)

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
	<ul style="list-style-type: none"> • Ricky Snuggs (12/20/1985) • Hezekiah Jackson (12/20/1985) • Calvin Burns (12/20/1985) • Ronald Nathan Rogers (12/20/1985) • Robert Johnson (2/14/1986) • William Sanders (2/11/1986) • George Wideman (12/20/1985) • Terry Cuthrall/Cuthrell (12/20/1985) • Clifton Norman Mitchell (12/20/1985) • Cynthia Laverne Mitchell (12/20/1985) • Barry Maurice Thompson (12/20/1985) • Gansy Thomas Pickens (12/20/1985) • Michael Thompson/Thomason (12/20/1985) • Emery Donald Mcarthur (12/20/1985) • Dennis James Griffin (12/20/1985) • Timothy Maurice (12/20/1985) • Michael Anthony Baldwin (12/20/1985) • Boris Chester Miller (12/27/1985) • Davis Horne, Jr. (12/27/1985) • Roland Parker Lewis (2/11/1986) • Rahem Hakeem Azeez (2/11/1986) • Toby Lee Mickens (2/11/1986) • Michael Anthony Paige (2/21/1986) • Michael Duncan (2/21/1986) • Nickie Bern Nichols (2/20/1986) • David Alexander Young (3/4/1986) • Reginald Glover (3/7/1986) • Keith Darniel Davis (3/24/1986) • Darryl Keith Davis (3/24/1986) • Charles Thomas Johnson (6/27/1986) • Nickee Lysander Moore (2/20/1986) • Donald Lamont Redd* • Odell Robbie Henry* • Lysander Growell/Crowell* • David Wellborn* • Mattie Mae Davis± • James Jackson± • Eric L. Jenkins* • Dwight L. Williams* • Thomas Wayne Thompson* • George Cardwell/Caldwell*

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
	2018 Analysis at NC State Crime Lab 6/8/2018: No identifiable latent prints.
Brown Toboggan From Living Room Floor of Bryson's Home	1986 Crime Lab Testing <ul style="list-style-type: none"> 5/15/1986: Hair Analysis. Two Negroid hair fragments noted. Compared to known hairs from Merritt Williams and "found to be microscopically consistent." "Accordingly, these hairs could have originated from him." 1987 Crime Lab Testing <ul style="list-style-type: none"> 6/8/1987: Fiber examination. Trace fibers noted: white acetate, white rayon, and white wool. Consistent with fibers found on Williams' toboggan that was collected at the jail. Could have originated from the same source. No other fiber associations found between suspect and crime scene. 7/28/1987: Examined against paint samples collected from Williams' home. Examination failed to show any paint on toboggan like the paint samples.
Carpet Sample From Living Room Floor of Bryson's Home	1987 Crime Lab Testing <ul style="list-style-type: none"> 6/8/1987: Fiber examination. No associations made with Williams' toboggan collected from the jail (bench notes).
Fiber Samples From Williams' Apartment (9th Street)	1987 Crime Lab Testing <ul style="list-style-type: none"> 6/8/1987: Fiber examination. No fiber associations made to items from the crime scene.
Paint Samples Collected from Williams' Apartment (25th Street)	1987 Crime Lab testing <ul style="list-style-type: none"> 7/28/1987: Compared to toboggan from Bryson's living room floor. No paint on the toboggan similar to the samples.
Toboggan Belonging to Williams Collected From Jail	1987 Crime Lab Testing <ul style="list-style-type: none"> 6/8/1987: Trace fibers noted: white acetate, white rayon, and white wool. These fibers were found to be consistent with fibers found on toboggan from crime scene. Therefore, these fibers found on the toboggan from the jail could have originated from the same source as the fibers found on the toboggan collected from the crime scene.
Latent Fingerprint from Outside Passenger Door of Bryson's Car Near Door Handle	1985-1988 Winston Salem Police Department Comparisons Identification: <ul style="list-style-type: none"> 3/9/1988: Identified to right ring finger of Robbin Carmichael¹ Comparison With Negative Results (Various Dates): <ul style="list-style-type: none"> Blanche Bryson (12/13/1985) Merritt Williams Drayton (4/18/1986)

¹ Robbin Carmichael's fingerprints were compared after he came forward and confessed to the crime, which was after Merritt Williams' conviction.

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
	<ul style="list-style-type: none"> • Terry Lee Smith (4/18/1986) • Sammy Mitchell (4/18/1986) • Anthony Q. Venson (2/11/1986 and 4/21/1986) • Darren Johnson (3/9/1988) • Lester Davis (date unknown) • Michael O. Spence (12/20/1985)*** • Antonio Dubose (12/17/1985) • Ricky Snuggs (12/17/1985) • Hezekiah Jackson (12/17/1985) • Calvin Burns (12/20/1985) • Ronald Nathan Rogers (12/17/1985) • Robert Johnson (2/14/1986) • William Sanders (2/11/1986) • George Wideman (12/20/1985) • Terry Cuthrall/Cuthrell (12/20/1985) • Clifton Norman Mitchell (12/20/1985) • Cynthia Laverne Mitchell (12/20/1985) • Barry Maurice Thompson (12/20/1985) • Gansy Thomas Pickens (12/20/1985) • Michael Thompson/Thomason (12/20/1985) • Emery Donald McArthur (12/19/1985) • Dennis James Griffin (12/19/1985) • Timothy Maurice/Morris (12/20/1985) • Michael Anthony Baldwin (12/19/1985) • Boris Chester Miller (12/27/1985) • Davis Horne, Jr. (12/27/1985) • Roland Parker Lewis (2/11/1986) • Rahem Hakeem Azeez (2/11/1986) • Toby Lee Mickens (2/11/1986) • Michael Anthony Paige (2/21/1986) • Michael Duncan (2/21/1986) • Lysander Growell/Crowell • Nickie Bern Nichols (2/20/1986) • David Alexander Young (3/4/1986) • Reginald Glover (3/7/1986) • Keith Darniel Davis (3/24/1986) • Darryl Keith Davis (3/24/1986) • Charles Thomas Johnson (6/17/1986) • Nickee Lysander Moore (2/20/1986) • Odell Robbie Henry*** • Lysander Growell/Crowell***

FORENSIC TESTING CHART – BRYSON

NOTE: All testing done after 1988 was done at the Commission's request

Item Tested	Results
	<ul style="list-style-type: none"> • David Wellborn*** • Mattie Mae Davis± • James Jackson± • Eric L. Jenkins*** • Dwight L. Williams*** • Thomas Wayne Thompson*** • George Cardwell/Caldwell***
Two Latent Prints from Cardboard Boxes on Den Floor	1985 Winston Salem Police Department Comparisons <ul style="list-style-type: none"> • 12/13/1985: Identified to the left little finger and left thumb of the Victim. Prints were thrown away as they were “of no further evidential value.”

*Name appears on list in the packaging of the latent print from candy dish from the Victim's home but there is no corresponding report in the WSPD file regarding the results or date of comparison.

±There is a report requesting that prints from Mattie Mae Davis, Howard Little, and James Jackson be compared, but no report from the actual comparison. Mattie Mae Davis and James Jackson's names appear on the comparison list from the latent print from the candy dish. Howard Little's does not.

*** While the wording of some reports can be unclear and there is no list of comparisons in the packaging of the latent print from the car, the Commission has confirmed with several WSPD detectives that any standards compared would have been compared to all latent prints related to this case.

Handout 17

Curriculum Vitae

Meghan E. Clement, MS, D-ABC

Education

- 1985 Master of Science, Forensic Science**
University of New Haven, West Haven, Connecticut
Honors: Graduate Fellow, 1984
- 1983 Bachelor of Science, Biology**
Westfield State College, Westfield, Massachusetts
Graduated Cum Laude

Professional Experience

FORENSIC SEROLOGY/ DNA CONSULTANT April 2017-Present

Clement Consulting, LLC
Owner

Provide Forensic Serology and DNA consultation to civil and military attorneys, law enforcement and civilian clients. Review case files and raw data to assist in understanding the serological and STR, Y-STR or mtDNA testing performed, suggest potential new and/or additional testing if applicable, educate as to what conclusions can and cannot be drawn by the testing results, explain the limitations of testing results and assist with trial preparation as well as cross-examinations.

Lead teams during assessments of laboratories for accreditation by ANSI National Accreditation Board (ANAB)

DIRECTOR OF OPERATIONS June 2015- April 2017

Bode Cellmark Forensics, LabCorp Specialty Testing Group
Lorton, VA

Responsibilities: Oversee all forensic laboratory operations, quality assurance aspects, applied research endeavors and work closely with the General Manager on other aspects of the business, perform case consultations, case reviews and provide expert testimony.

SENIOR DIRECTOR July 2012- December 2015

Cellmark Forensics, LabCorp Specialty Testing Group

Dallas, TX

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of both contract and independent casework, manage implementation of new tests, participate in analysis of casework and interpretation of results of STR, Y-STR and mtDNA analysis, perform technical reviews and administrative reviews, provide expert testimony, participate in marketing and sales functions.

TECHNICAL DIRECTOR, FORENSIC IDENTITY May 2000- July 2012

Laboratory Corporation of America
Research Triangle Park, North Carolina

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of casework, as well as implementation of new tests, participate in analysis of casework and interpret results of DNA analysis, prepare reports, provide expert testimony, direct and coordinate marketing and sales functions.

ASSOCIATE DIRECTOR, FORENSIC IDENTITY Aug. 1998- May 2000

Laboratory Corporation of America
Research Triangle Park, North Carolina

Responsibilities: Direct and participate in the DNA analysis of samples submitted to the laboratory, prepare reports of results and provide expert testimony, supervise and direct laboratory technologists and lab clerk positions, direct and coordinate marketing and sales functions.

ASSISTANT DIRECTOR, FORENSIC IDENTITY Nov. 1994- Aug. 1998

Laboratory Corporation of America (formerly Roche Biomedical Laboratories)
Research Triangle Park, North Carolina

Responsibilities: Conduct forensic DNA analysis on biological samples using both RFLP and PCR techniques, oversee and direct the laboratory technologists in the production of forensic DNA casework, prepare reports of results and provide expert testimony, assist in laboratory operations to ensure timely handling of cases and QA/QC measures, assist in the marketing and sales aspects of the Forensic Identity department.

FORENSIC BIOLOGIST March 1991 - Nov. 1994

Tarrant County Medical Examiner's Office
Fort Worth, Texas

Responsibilities: Forensic analysis of biological samples using traditional serological techniques as well as RFLP DNA profiling, conduct research and validation of new techniques in the forensic biology field, provide expert testimony, provide training to officer's in various law enforcement agencies

concerning the collection and preservation of evidence, crime scene investigation.

SENIOR CRIMINALIST March 1985 - March 1991

City of Albuquerque, Police Department, Criminalistics
Albuquerque, New Mexico

Responsibilities: Assisted in implementing a DNA section including setting up quality control measures and population data bases, as well as performing validation studies, traditional serological analysis, blood/breath alcohol concentration analysis, provide expert testimony, crime scene investigation, train new personnel, officers and detectives.

TEACHING ASSISTANT, FORENSIC SCIENCE Sept. 1984- Mar. 1985

University of New Haven, West Haven, Connecticut

Responsibilities: Assist in teaching serological techniques to graduate students in the Criminalistics laboratories, assist in research projects being conducted.

TEACHING ASSISTANT, BIOLOGY Sept. 1983 - Sept. 1984

University of New Haven, West Haven, Connecticut

Responsibilities: Set up and assist in teaching various biology laboratories to undergraduate students.

FORENSIC SCIENCE INTERNSHIP August 1984

New Mexico State Police Crime Laboratory,
Santa Fe, New Mexico

Observed and participated in case analysis under the supervision of New Mexico State Police forensic analysts in the serology, trace, drugs and firearms sections.

Affiliations

American Academy of Forensic Sciences, Member

Southwestern Association of Forensic Scientists, Member

ASCLD/LAB-Biology Proficiency Review Committee Member (2013-Present)

Expert Testimony and Depositions

Testified 360+ times in 33 states

Testified in local, state, military and federal courts

Forensic Laboratory Experience	Qualified
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- | | |
|-----------------------------------|------|
| • RFLP | 1989 |
| • PCR Analysis and Interpretation | 1990 |
| • DQ Alpha + Polymarker Testing | 1995 |
| • Paternity Testing | 1995 |
| • Mitochondrial DNA Analysis | 1997 |
| • Commercial Kit STR Analysis | 2002 |
| • Y-STR Analysis | 2003 |

Certifications

Molecular Biology Diplomate - American Board of Criminalistics (**ABC**)

Publications and Oral Presentations

Budowle, B., Monson, K., Anoe, K.S., Baechtel, S., Bergman, D.L., Buel, E., Campbell, P.A., Clement, M.E. et al (1991) A Preliminary Report on Binned General Population Data on Six VNTR Loci in Caucasians, Blacks and Hispanics from the United States. Crime Lab Digest 18:9-26.

Validation of Multiplex STR Profiling Systems for Forensic Casework Specimens
American Academy of Forensic Sciences, Feb. 1998

Developing a DNA Laboratory on a Shoestring Budget
Southwestern Association of Forensic Scientists, Spring Meeting 1991

Continuing Education

July 2018 *Green Mountain Conference*, Burlington, VT

Feb 2018 *AAFS Workshops: Moving from CPI to Probabilistic Genotyping for DNA Mixtures and Proposed Revisions to the FBI QA Standards*, Seattle, WA

Feb 2017 *AAFS Annual Meeting*, New Orleans, LA

Sept 2016 *International Symposium on Human Identification*, Minneapolis, MN

Oct 2015 *International Symposium on Human Identification*, Grapevine, TX

Feb 2015 *AAFS Annual Meeting*, Orlando, FL

Sept 2014	<i>Genome ID Forum</i> , Greensboro, NC <i>Forensic Genomic Applications</i>
May 2014	<i>ASCLD Annual Meeting</i> , Scottsdale, AZ <i>Workshop-Solving Mixtures Genome-wide: Practical, Measureable Solutions</i>
Feb 2014	<i>AAFS Annual Meeting</i> , Seattle, WA
Oct 2013	<i>International Symposium on Human Identification</i> , Atlanta, GA
Feb 2013	<i>AAFS Annual Meeting</i> , Washington, DC
June 2012	<i>2012 NIJ Meeting</i> , Arlington, VA
Feb 2012	<i>AAFS Annual Meeting</i> , Atlanta, GA
Oct 2011	<i>Mixture Interpretation Workshop-Promega International Symposium on Human Identification</i> , National Harbor, DC
Nov 2011	<i>CODIS Meeting</i> , Jasonville, FL
Feb 2010	<i>AAFS Annual Meeting</i> , Seattle, WA
Aug 2009	<i>HID Future Trends in DNA Technology</i> , Applied Biosystems, Richmond, VA
Ape 2009	<i>FBI DNA Auditor's Refresher Training</i> , Raleigh, NC
Feb 2009	<i>AAFS Annual Meeting</i> , Denver, CO
July 2008	<i>NIJ Meeting</i> , Arlington, VA
Feb 2007	<i>AAFS Annual Meeting</i> , San Antonio, TX
Aug 2006	<i>AFDAA Summer Meeting</i> , Austin, TX
May 2006	<i>ABI Human Identity University</i> , Research Triangle Park, NC
Feb 2006	<i>AAFS Annual Meeting</i> , Seattle, WA
Jun 2005	<i>6th Annual DNA Grantees Workshop</i> , Arlington, VA
Apr 2004	<i>FBI DNA Auditor's Training</i> , Quantico, VA

Feb 2004	<i>AAFS Annual Meeting</i> , Dallas, TX <i>Forensic Human mtDNA Analysis Workshop</i>
Oct 2003	<i>International Symposium on Human Identification</i> , Phoenix, AZ <i>Making Sense of Popstats Workshop</i>
Apr 2003	<i>ASCLD/LAB-Laboratory Inspector Training Course</i> , Raleigh, NC
Feb 2003	<i>AAFS Annual Meeting</i> , Chicago, IL <i>Low Copy Number DNA Analysis Workshop</i>
Jun 2002	<i>DNA Grantees Workshop</i> , Arlington, VA
Oct 2001	<i>7th Annual CODIS User's Conference</i> , Arlington, VA
Feb 2001	<i>AAFS Annual Meeting</i> , Seattle, WA
Feb 2000	<i>AAFS Annual Meeting</i> , Reno, NV
Oct 1999	<i>NIJ Meeting</i> , Arlington, VA
Apr 1998	<i>Mitochondrial DNA Analysis and Data Basing</i> , presented by Mark Wilson and Clint Stauffer
Feb 1998	<i>AAFS Annual Meeting</i> , San Francisco, CA
Sept 1997	<i>International Symposium on Human Identification</i> , Phoenix, AZ
Feb 1997	<i>AAFS Annual Meeting</i> , NYC, NY
Oct 1996	<i>English Speaking Working Group International Society for Forensic Haemogenetics</i>
Sept 1996	<i>International Symposium on Human Identification</i> , Phoenix, AZ

Specialized Schools and Training

Nov 2018	<i>ANAB LEAD ASSESSOR TRAINING</i> Denver, CO
Dec 2011	<i>ASCLD/LAB TECHNICAL ASSESSOR REFRESHER TRAINING</i> <i>(June 2011 revision-on line training)</i>
Apr 2009	<i>DNA AUDITOR REFRESHER TRAINING</i> , Presented by the FBI, Research Triangle Park, NC

Jan 2006 ***ASCLD/LAB-International ASSESSOR TRAINING COURSE***,
Houston, TX

Apr 2004 ***DNA AUDITOR TRAINING***, FBI Academy, Quantico, VA

Apr 2003 ***ASCLD-LAB INSPECTOR TRAINING***, Raleigh, NC

Mar 1995 ***FORENSIC AMPLITYPE PM + HLA DQA1 PCR WORKSHOP***,
Perkin-Elmer Training Dept., Foster City, CA

June 1991 ***ADVANCED FORENSIC DNA TYPING SCHOOL***, FBI Academy,
Quantico, Virginia

Mar-Jun1990 ***VISITING SCIENTIST PROGRAM***, FBI Academy, Quantico,
Virginia

Assisted in numerous DNA research projects being conducted by the
FBI Research and Training Center including data base compilation,
ethidium bromide use in DNA analysis, quantitation of human DNA
using slot blot techniques, effect of glycerol concentration on DNA,
studies on possible ladders for amplified fragment length
polymorphisms (amp-FLPs)/variable number tandem repeats
(VNTRs), and population data base compilation of amp-Flp MCT118.

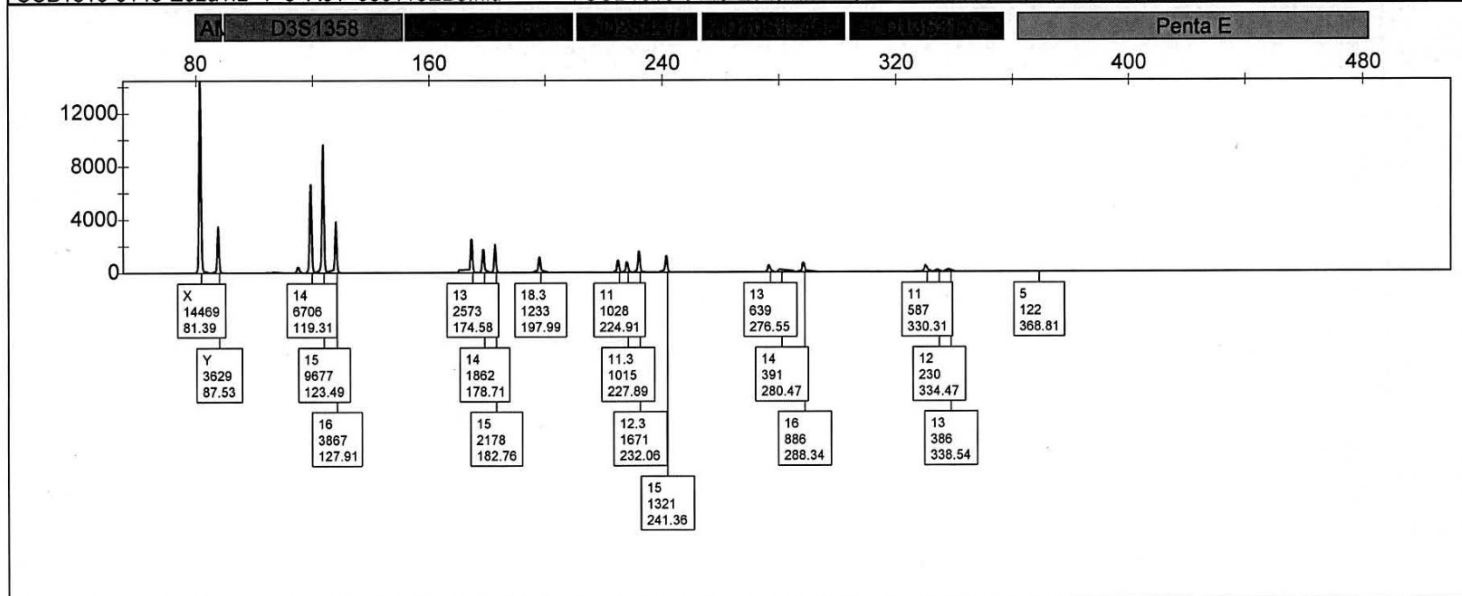
Dec 1989 ***FORENSIC APPLICATIONS OF DNA TYPING***, FBI Academy,
Quantico, Virginia

Fall 1988 ***MOLECULAR GENETICS AND FORENSIC SCIENCE***, University
of New Mexico, Albuquerque, New Mexico

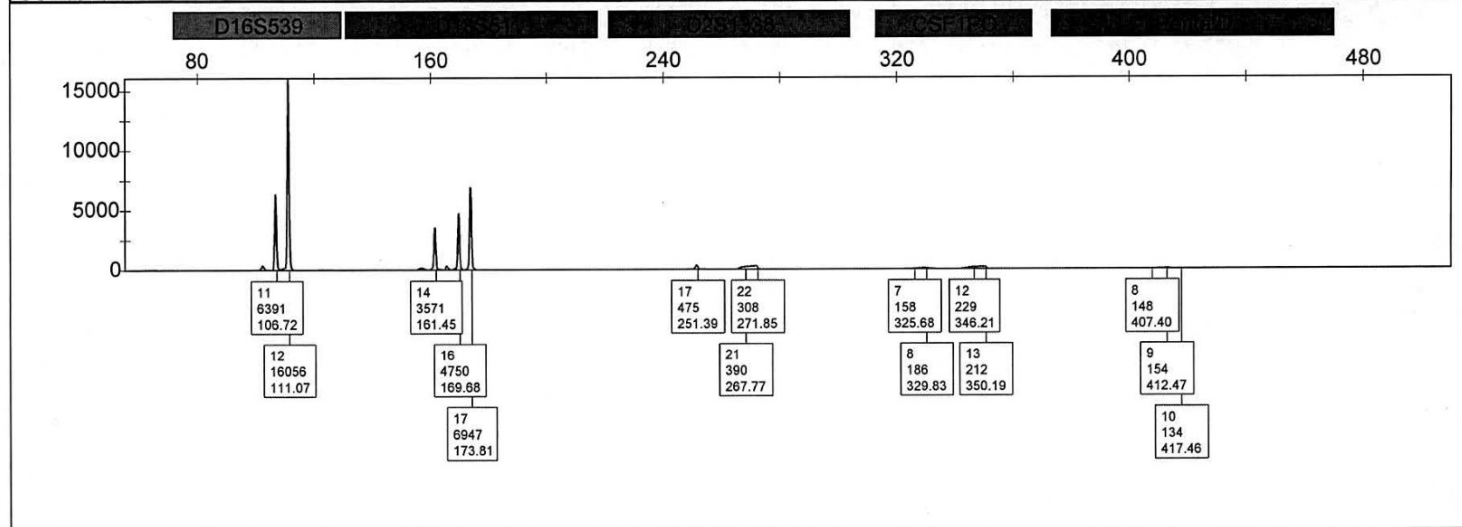
May 1988 ***DNA POLYMORPHISM AND DNA TYPING***
COURSE/WORKSHOP, University of New Haven, West Haven,
Connecticut

Handout 18

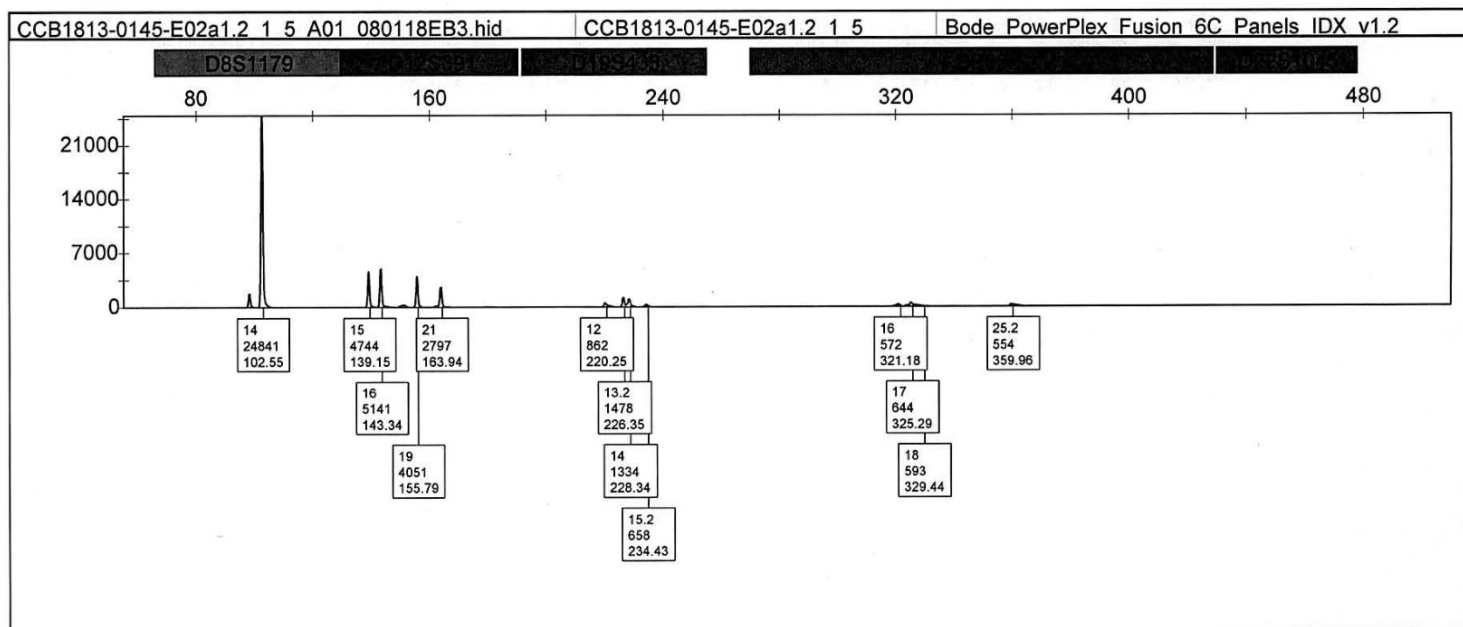
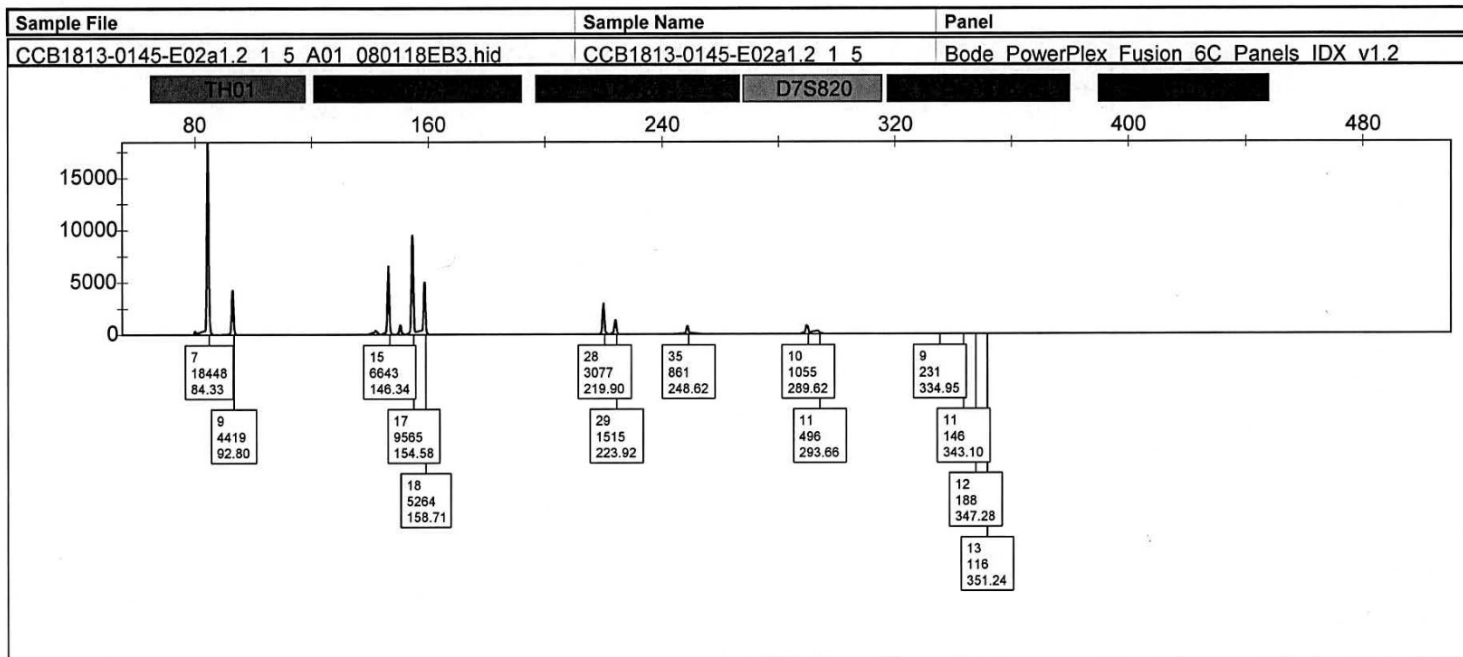
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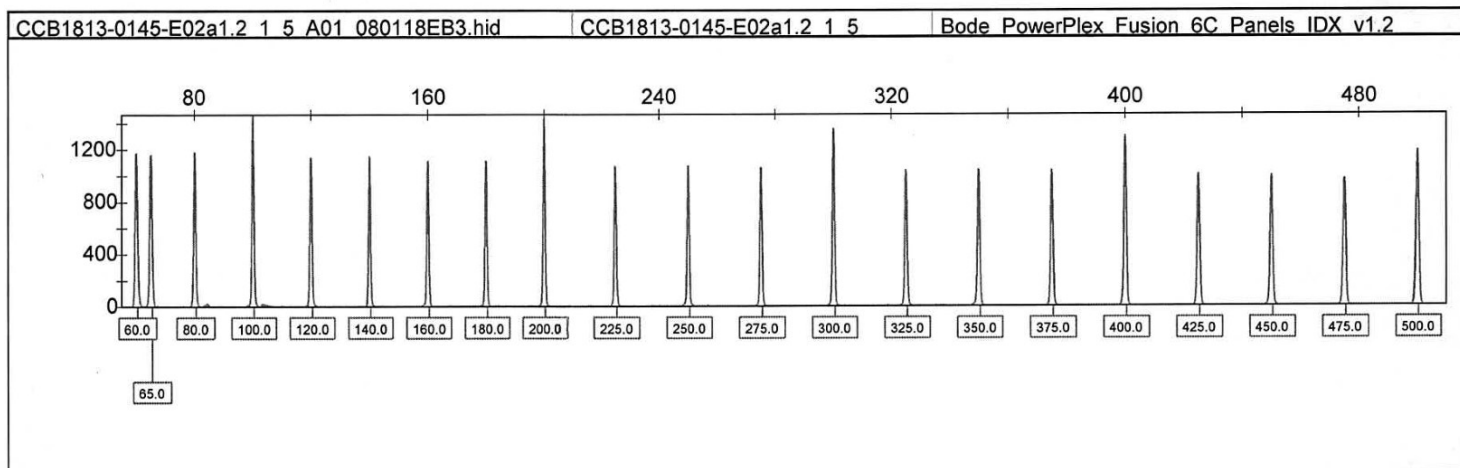
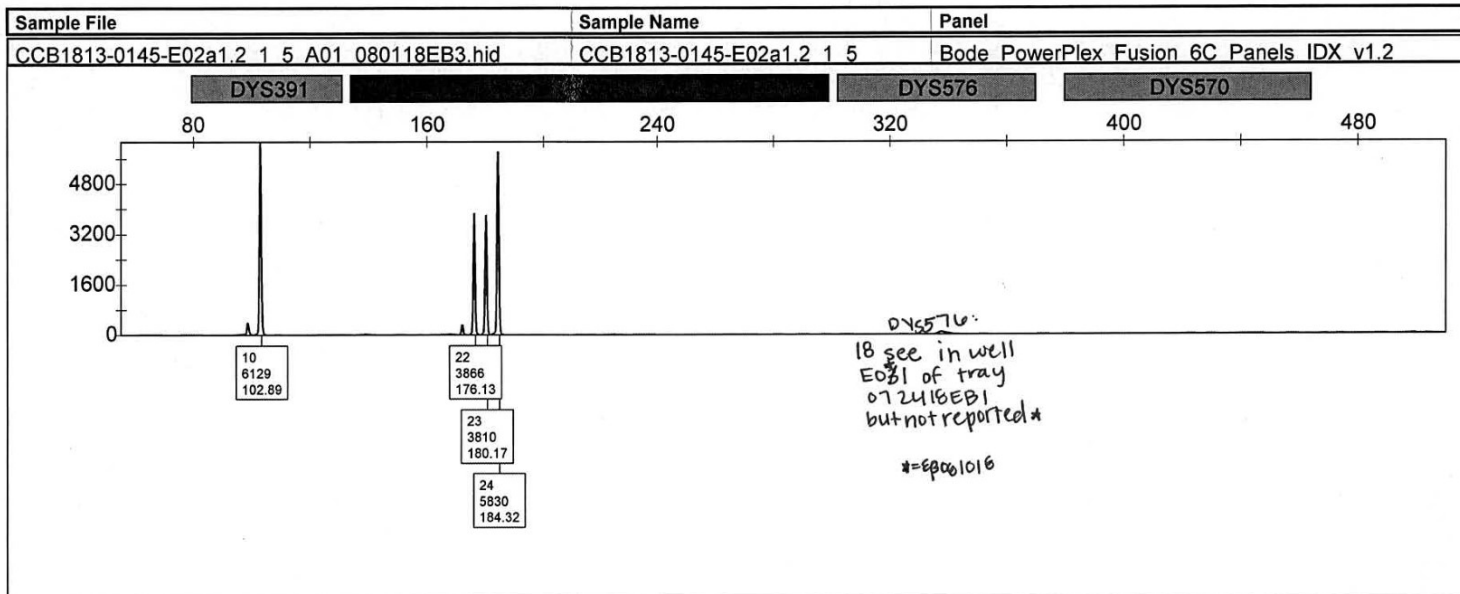


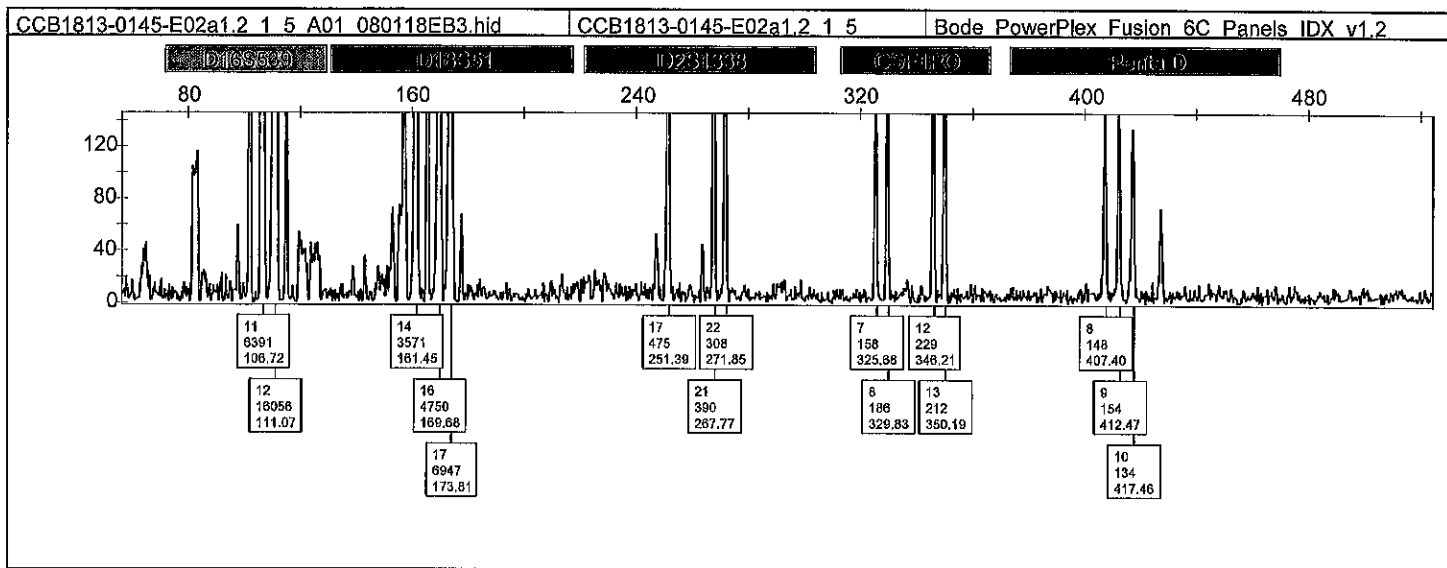
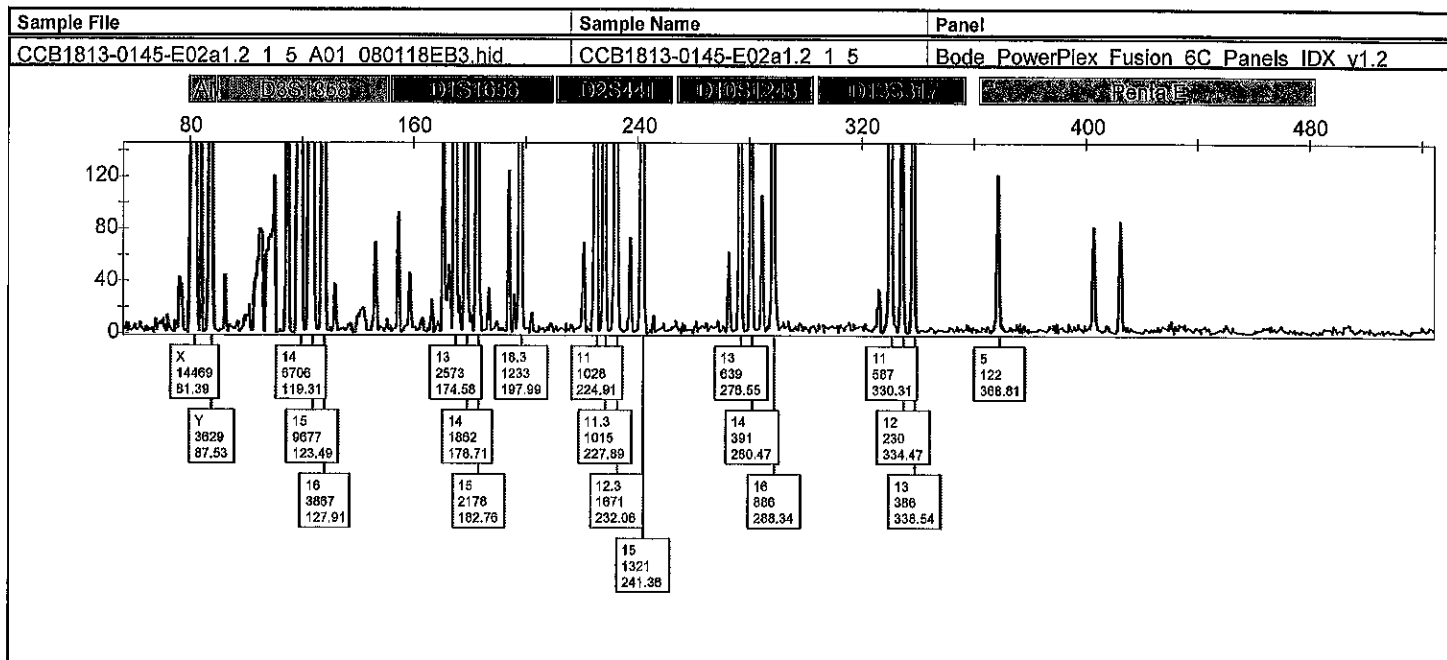
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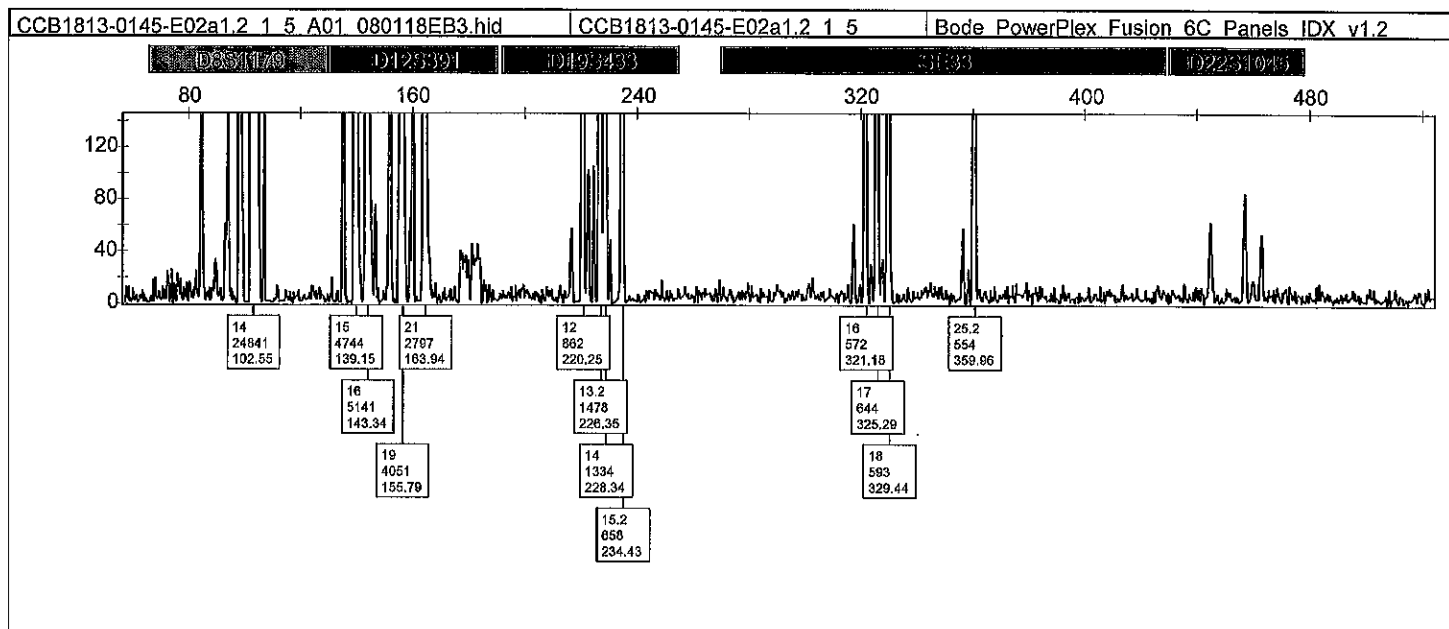
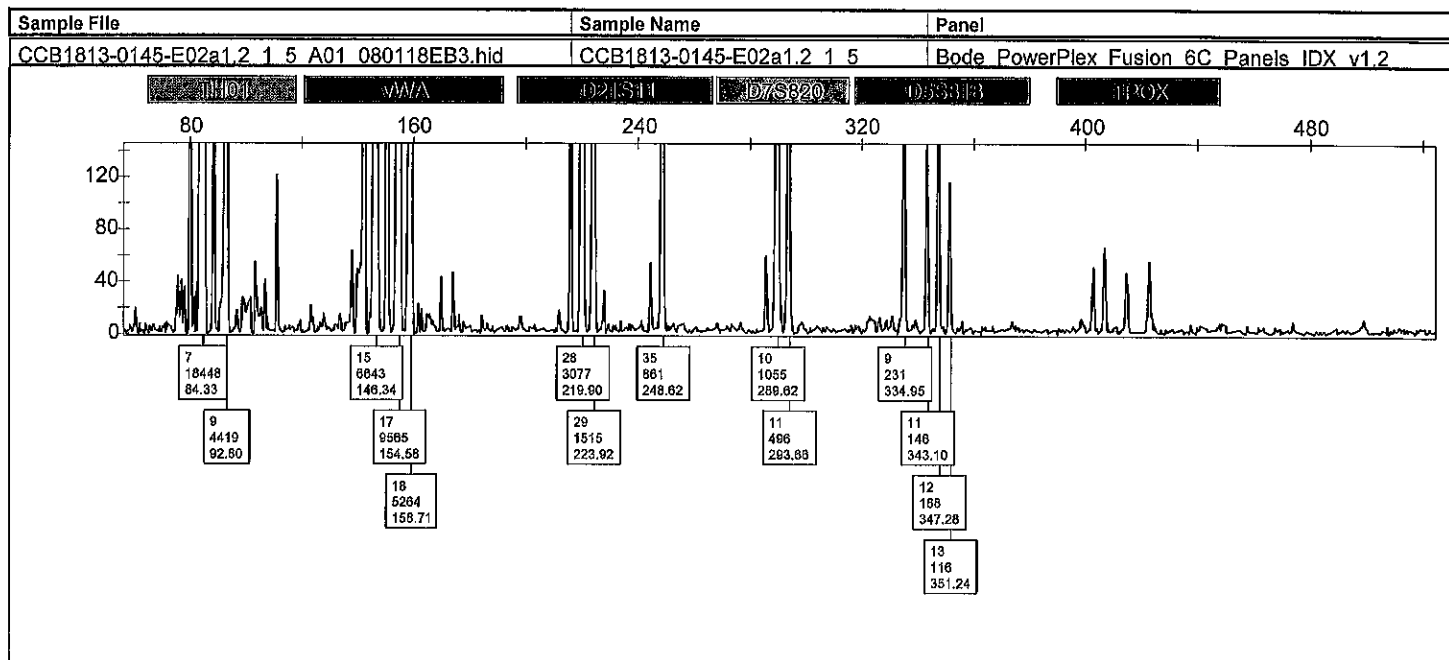


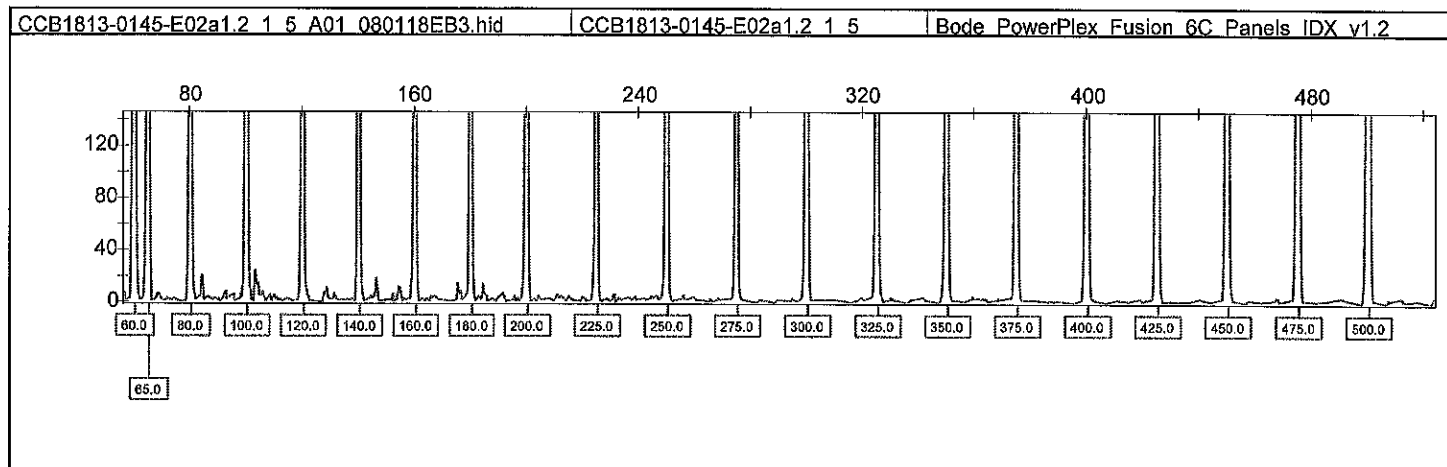
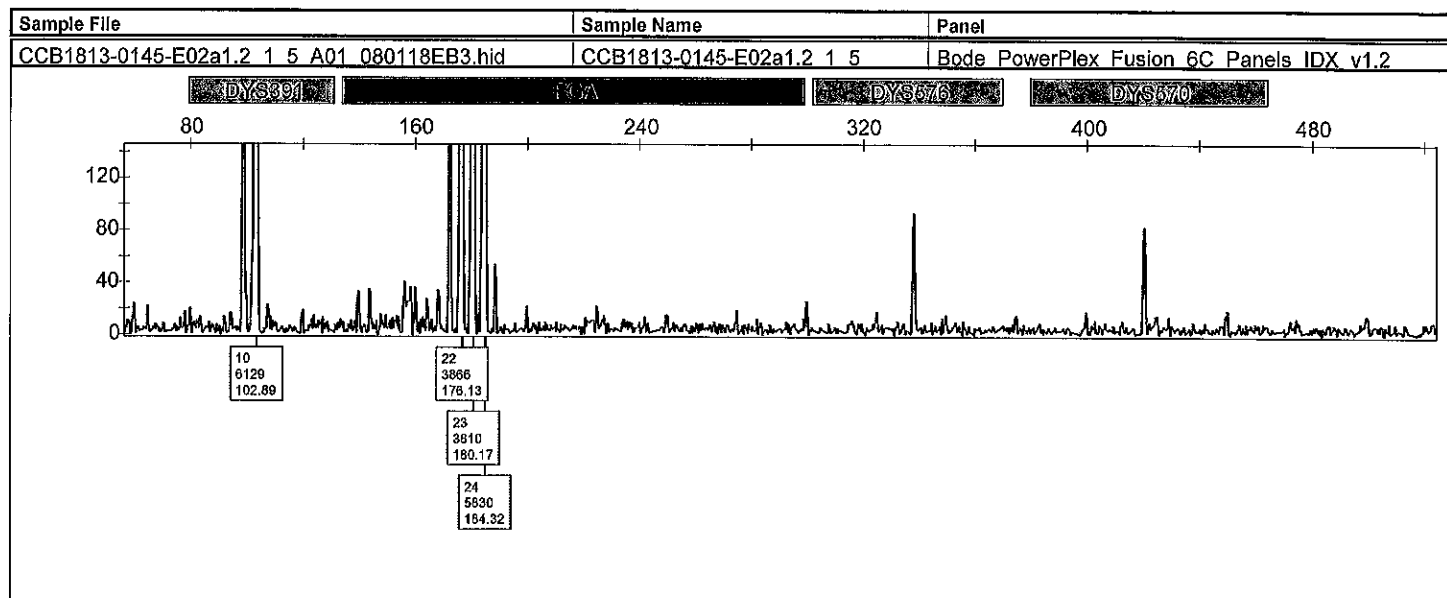
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Handout 19

THOMAS WAYNE THOMPSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
ASSAULT WITH DEADLY WEAPON INFLICT SERIOUS INJURY (F)	FORSYTH	UNKNOWN	5/30/1978
LARCENY OF AUTOMOBILE (F)	FORSYTH	UNKNOWN	1/8/1979
BREAKING AND ENTERING (M)	FORSYTH	UNKNOWN	1/31/1983
POSSESS STOLEN GOODS/PROPERTY (F)	FORSYTH	9/13/1983	11/28/1983
POSSESS STOLEN GOODS/PROPERTY (F)	FORSYTH	9/16/1983	11/28/1983
ASSAULT ON A FEMALE (M)	FORSYTH	4/9/1985	5/7/1985
TRESPASS WITHOUT A LICENSE (M)	FORSYTH	6/6/1985	7/8/1985
BREAKING OR ENTERING (M)	FORSYTH	6/29/1985	7/8/1985
ASSAULT (M)	FORSYTH	7/26/1985	8/15/1985
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	8/13/1986	9/11/1986
POSSESS WITH INTENT TO SELL OR DELIVER MARIJUANA (F)	FORSYTH	4/22/1987	8/6/1987
POSSESS WITH INTENT TO SELL OR DELIVER MARIJUANA (F)	FORSYTH	4/22/1987	8/6/1987
SELL OR DELIVER MARIJUANA (F)	FORSYTH	4/22/1987	8/6/1987

POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	6/12/1987	12/2/1987
CARRYING CONCEALED WEAPON (M)	FORSYTH	1/17/1991	2/8/1991
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	9/17/1991	10/28/1991
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	5/24/1992	7/7/1992
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	10/28/1994	10/31/1994
ASSAULT INFLICT SERIOUS INJURY (M)	FORSYTH	3/15/1997	4/29/1997
PUBLIC CONSUMPTION (M)	FORSYTH	12/19/1997	3/18/1999
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	1/15/1999	3/18/1999
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	5/3/2000	7/17/2001
POSSESS FIREARM BY FELON (F)	FORSYTH	5/4/2000	7/6/2000
CONSUME ALCOHOL/MALT BEVERAGE CITY/COUNTY PROPERTY (M)	FORSYTH	5/27/2002	6/4/2004
ASSAULT WITH DEADLY WEAPON SERIOUS INJURY (F)	FORSYTH	10/15/2004	2/1/2005
MISDEMEANOR LARCENY (M)	FORSYTH	10/15/2004	2/1/2005
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	10/15/2004	2/1/2005

DWI (M)	FORSYTH	2/9/2011	11/7/2012
CONSUME ALCOHOL/MALT BEVERAGE CITY/COUNTY PROPERTY (M)	FORSYTH	9/4/2012	9/24/2012
RESISTING PUBLIC OFFICER (M)	FORSYTH	6/2/2014	7/10/2014

Handout 20

TERRY LEE SMITH

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
LARCENY	FORSYTH	UNKNOWN	1957
LARCENY OF AUTO	FORSYTH	UNKNOWN	1959
ASSAULT ON A WOMAN	NORTH CAROLINA	UNKNOWN	1961
ASSAULT SECOND (F)	NEW YORK	UNKNOWN	1/18/1962
ESCAPE-NC DEPT OF CORRECTIONS	NORTH CAROLINA	UNKNOWN	1970
VIOL IRC REMOV CONC & TRANSP ILLICIT WHISKEY	FEDERAL	UNKNOWN	1971/1972
VIO IRC-LIQUOR TRANSPORTING	FEDERAL	UNKNOWN	1971/1972
VIOL OF IRL	FEDERAL	UNKNOWN	1972
POSSESS MORE THAN ONE OUNCE MARIJUANA (F)	FORSYTH	UNKNOWN	6/4/1981
POSSESS STOLEN GOODS/PROPERTY (F)	FORSYTH	3/27/1984	10/11/1984
CONSPIRACY TO SELL OR DELIVER COCAINE (F)	FORSYTH	4/11/1984	10/11/1984
ATTEMPT TO RECEIVE STOLEN PROPERTY (M)	FORSYTH	4/11/1984	10/11/1984
DISTRIBUTION OF COCAINE (F)	FEDERAL	UNKNOWN	11/20/1986
WIRE FRAUD (F)	FEDERAL	UNKNOWN	7/17/1987

OBSTRUCTION OF JUSTICE (F)	FEDERAL	UNKNOWN	1987
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Handout 21

ANTHONY QUINN VENSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
POSSESS COCAINE (F)	FORSYTH	3/16/1984	8/15/1984
SELL OR DELIVER COCAINE (F)	FORSYTH	3/16/1984	8/15/1984
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	FORSYTH	3/16/1984	8/15/1984
POSSESS COCAINE (F)	FORSYTH	5/17/1984	8/15/1984
POSSESS COCAINE (F)	FORSYTH	5/17/1984	8/15/1984
POSSESS WITH INTENT TO SELL COCAINE (F)	FORSYTH	5/17/1984	8/15/1984
CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE COCAINE AND MARIJANA (F)	FEDERAL	7/28/1987	UNKNOWN

Handout 22

LESTER THOMAS DAVIS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
BURGLARY-BREAKING AND ENTERING (M)	FORSYTH	UNKNOWN	1/31/1977
COMMON LAW ROBBERY (F)	FORSYTH	UNKNOWN	5/30/1979
ASSAULT ON OFFICER WITH FIREARM (F)	FORSYTH	UNKNOWN	5/30/1979
INADEQUATE SUPPORT OF FAMILY (M)	FORSYTH	12/29/1985	12/8/1987
FIRST DEGREE TRESPASS ENTER/REMAIN (M)	FORSYTH	1/2/1995	1/4/1995
MISDEMEANOR LARCENY (M)	FORSYTH	1/14/1995	3/1/1995
SIMPLE ASSAULT (M)	FORSYTH	5/3/1995	6/29/1995
RESISTING PUBLIC OFFICER (M)	FORSYTH	2/14/1996	7/26/1996
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	3/12/1996	7/26/1996
SECOND DEGREE TRESPASS (M)	FORSYTH	4/9/1997	4/23/1997
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	4/9/1997	4/23/1997
SECOND DEGREE TRESPASS (M)	FORSYTH	4/21/2000	10/2/2000
SECOND DEGREE TRESPASS (M)	FORSYTH	9/22/2001	9/27/2001
RESISTING PUBLIC OFFICER (M)	FORSYTH	9/22/2001	9/27/2001

SECOND DEGREE TRESPASS (M)	FORSYTH	11/27/2001	11/29/2001
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	11/27/2001	11/29/2001
RESISTING PUBLIC OFFICER (M)	FORSYTH	2/24/2002	9/18/2002
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	2/24/2002	9/18/2002
SECOND DEGREE TRESPASS (M)	FORSYTH	5/11/2002	5/16/2002
RESISTING PUBLIC OFFICER (M)	FORSYTH	5/11/2002	5/16/2002
SECOND DEGREE TRESPASS (M)	FORSYTH	6/7/2002	1/14/2003
SECOND DEGREE TRESPASS (M)	FORSYTH	9/12/2002	9/18/2002
SECOND DEGREE TRESPASS (M)	FORSYTH	4/7/2004	4/4/2005
COMMUNICATING THREATS (M)	FORSYTH	8/12/2005	11/7/2005

Handout 23

MATTIE MAE LITTLE (DAVIS)

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	6/2/1994	7/21/1994
RESISTING PUBLIC OFFICER (M)	FORSYTH	11/7/1996	11/20/1996
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	8/16/1997	8/29/1997
SECOND DEGREE TRESPASS (M)	FORSYTH	6/22/2002	9/20/2002
CONSUME ALCOHOL/MALT CITY/COUNTY PROPERTY (M)	FORSYTH	11/13/2002	3/13/2003

Handout 24

Statement of: _____

387

Address: _____

Date: _____

Time _____

Taken By: _____

Location: _____

1 Members of GANG (or) COMPANY — (JAMES DRAGON) ^{LARGE DEALER} BOSS of
2 12 Member GANG. INCL. (6) ^{DEALER} HIT MEN (CART/WILLIS/FREEZE'S) (Phil)

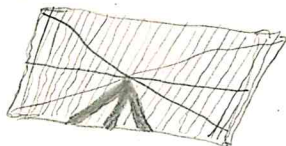
3 Hits orders COMES from JAMES ON ^{CO TIME DEALERS} who DON'T PAY for there Drugs

4 witherspoon had gotten \$750,000 worth of Drugs with about \$100,000
5 DOWE, on the face of Poor CHARLE NAME/or word.

6 JAMES HAS ordered hits on (6) people incl. Poor CHARLE, HIS little Girl,
7 Terry while HE WAS Doing Time. / and some Police officers IN
8 ~~MIAMI~~ MIAMI.

9 which the Member's handle about 2.5 million of Drugs
10 Per-Week from South Carolina / North Carolina / Miami

11 I WAS Sent TO Breaking the House ALONG
12 With Those other TWO people who WAS there
13 the REASON WAS that the Old Ladie own
14 some MONEY & AND WE WAS TOLD TO Be Careful of
15 Paper's.



Signed _____

Date _____

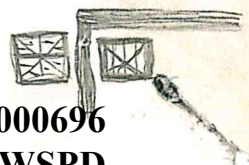
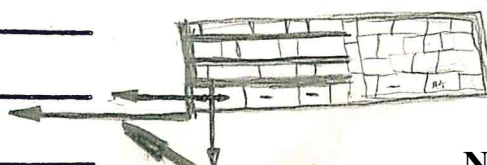
Time _____

Witness _____

Witness _____

Date _____

Time _____



000696

NCHC WSPD

Handout 25

April 13, 2018: Collection of DNA Swab

Page #	Description	Exhibit
1	Buccal swab collection of Merritt Williams (MW) by Lindsey Guice Smith (LGS) and Beth Tanner (DET) on April 13, 2018.	
2	LGS explains the purpose of the interview is to collect a DNA swab.	
3-4	MDW states he's never been to the home of Blanche Bryson (Bryson) and that his DNA would not be there. States he did not kill Bryson.	
5-6	Explanation of DNA swab process.	
7-10	MW discusses speaking to Phoebe Zerwick (Zerwick) and his encounter with Robbin Carmichael (Carmichael). MW states they spoke briefly in prison and he has stayed away from him. MW states he is in prison for three crimes and talks about the case involving Mary Smith (Smith) in which he pleaded guilty to Manslaughter for pushing her.	
11-12	MW discusses the Bryson case and about how he implicated himself, Sammy Mitchell (Mitchell), and Darryl Hunt (Hunt) in her murder. MW states, "I was allowed to create witnesses" (p. 11, lines 7-8). MW states his girlfriend at the time, Mattie Mae Davis, "... came to the police department and spent about an hour and 10 minutes with me in a room by ourselves to get our stories together. And after we got our stories together, they put the case together like that, gave like three different statements until everything somewhat fit into a pattern that they could believe was right" (p. 12, lines 3-10).	
13	States he pleaded guilty to the Arthur Wilson (Wilson) murder after Hunt was tried, and states that it's his fault that he put himself in prison.	
14-17	MW never knew (Carmichael), and he doesn't know who Carmichael stated committed the Bryson murder.	
18	Certificate of transcript.	

NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA,

FILE NO. 86 CRS 018809

Plaintiff,

vs.

MERRITT WILLIAMS DRAYTON,

Defendant.

This is the transcript of the recorded
interview taken of Merritt Williams which
was conducted by Donna Beth Tanner and Lindsey
Guice Smith from the North Carolina Innocence
Inquiry Commission. The recorded interview
took place on April 13, 2018.

APPEARANCES:

Donna Beth Tanner, Associate Director
Lindsey Guice Smith, Executive Director
North Carolina Innocence Inquiry Commission
Administrative Office of the Courts
P.O. Box 2448
Raleigh, North Carolina 27602

1 P R O C E E D I N G S

2 MS. TANNER: Hi, Mr. Williams. I'm
3 Beth. Nice to meet you.

4 MS. SMITH: And I'm Lindsey. Nice to
5 meet you. We're from the North Carolina
6 Innocence Inquiry Commission.

7 MR. WILLIAMS: Yes, ma'am.

8 MS. SMITH: You're familiar with our
9 agency, right?

10 MR. WILLIAMS: Yes, ma'am.

11 MS. SMITH: Yeah, so we are looking
12 into your claim of innocence. And today our
13 focus is really just to come take a DNA sample
14 from you so that we can conduct some DNA testing
15 in your case, okay. We've got some other staff
16 that will probably come out sometime in the
17 future and do a full interview of you, but we
18 were in the area today and wanted to take care of
19 this so we can move forward with testing, okay.

20 I'm going to ask you just a couple of
21 questions before we do the sample just to make
22 sure that we fully understand before we start
23 testing in the Blanche Bryson homicide whether
24 you DNA could possibly be at the crime scene. Is
25 there any reason that your DNA would be there?

1 MR. WILLIAMS: No, ma'am.

2 MS. SMITH: You've never been to Ms.
3 Bryson's home?

4 MR. WILLIAMS: The only time I've ever
5 been there is when the officers took me in the
6 car and we just -- they had me stand outside the
7 car on the scene and that was it.

8 MS. SMITH: And that was it? Okay.

9 MR. WILLIAMS: Yeah. I never went
10 there. Never been in the house.

11 MS. SMITH: And that was -- was that
12 after you were arrested?

13 MR. WILLIAMS: Yes, ma'am.

14 MS. SMITH: Okay. Did you know Ms.
15 Bryson?

16 MR. WILLIAMS: No, ma'am.

17 MS. SMITH: And there were some items
18 that were stolen from her home during that crime.
19 Did you ever have any possession of those items?

20 MR. WILLIAMS: They claim that
21 something that I had at my house was, but it was
22 not.

23 MS. SMITH: Was that the lamps?

24 MR. WILLIAMS: Yeah. They weren't.
25 The lamps were never at her house at all.

1 MS. SMITH: Okay. Where did those
2 lamps come from?

3 MR. WILLIAMS: From the same place
4 that the ax handle came from right on the street
5 that we lived on --

6 MS. SMITH: Uh-huh.

7 MR. WILLIAMS: -- in the Wilson case,
8 where they find the ax handle there. That's
9 where they came from. They never came from that
10 house.

11 MS. SMITH: Okay.

12 MR. WILLIAMS: Never had anything out
13 of that house at all.

14 MS. SMITH: And before I do this, I do
15 want to ask you, did you kill Ms. Bryson?

16 MR. WILLIAMS: No, ma'am.

17 MS. SMITH: Did you have any
18 involvement in that crime?

19 MR. WILLIAMS: No, ma'am.

20 MS. SMITH: Were you in a car with
21 anyone when that crime was being committed at the
22 crime scene?

23 MR. WILLIAMS: No, ma'am.

24 MS. SMITH: All right. So have you
25 ever had a buccal swab taken, a cheek swab?

1 MR. WILLIAMS: No, ma'am.

2 MS. SMITH: No, they've never done
3 that? Okay. So it's super easy. It looks like
4 Q-tips, and I'm going to take them out of here in
5 a minute, and I'm just going to have you open
6 your mouth and I'm going to swab the inside of
7 each cheek, one with each swab, then I'm going to
8 let them dry for a minute, put them into the
9 packaging, and I'll seal it, and then we'll be
10 able to send those off for DNA testing to compare
11 to any profiles that we might get from the other
12 items of evidence from the crime scene, okay.

13 MR. WILLIAMS: Uh-huh.

14 MS. SMITH: All right.

15 MR. WILLIAMS: Because I know the only
16 DNA I had was done in '98.

17 MS. SMITH: Okay.

18 MR. WILLIAMS: I think the State
19 required all capital cases got to have -- capital
20 cases, you know, we got tried and we got on
21 State. They required us to take DNA.

22 MS. TANNER: Okay.

23 MS. SMITH: Okay. And they probably
24 did blood then, right?

1 MR. WILLIAMS: Yeah. They did blood
2 then.

3 MS. SMITH: Okay. Yeah. So this is
4 much easier. I'm not going to take you blood.
5 We're just going to do this real quick. So the
6 time is 1:19 p.m. These things are sealed up
7 pretty good. I will put on gloves.

8 MR. WILLIAMS: Ms. Milton told me
9 somebody would probably be coming by.

10 MS. TANNER: Okay.

11 MS. SMITH: Yes, sir. She came out
12 and had you sign the waiver a few weeks ago,
13 didn't she?

14 MR. WILLIAMS: Yes, ma'am. She came
15 out.

16 MS. SMITH: Okay. These are the
17 swabs. They're sealed, and I'm going to unseal
18 them now. These look like two Q-tips, all right.
19 So if I can have you face me and open your mouth.
20 I'll do the other side.

21 MR. WILLIAMS: The only item that they
22 used at my trial was a hair sample found at the
23 scene. They didn't do the roots. They just did
24 the combing of the hair.

25 MS. SMITH: Okay.

1 MR. WILLIAMS: And that was it.

2 MS. TANNER: I'm going to seal this
3 at --

4 MS. SMITH: 1:21.

5 MS. TANNER: -- 1:21.

6 MS. SMITH: Beth, if I could borrow
7 your pen, I will initial and date the seal.
8 Today is the 13th?

9 MS. TANNER: Yes. Both sides.

10 MS. SMITH: Uh-huh. So as I said,
11 we're not going to conduct a full interview, but
12 if there's anything that you want to tell us now
13 that you think would be helpful for us to know
14 you can do that and we will have some other staff
15 come out and do an interview at a later date.
16 But if there's anything that we need to know that
17 might help us --

18 MR. WILLIAMS: I know that in 2004,
19 Ms. Phoebe Zerwick did an interview --

20 MS. SMITH: Okay.

21 MR. WILLIAMS: -- at Brown Creek, same
22 time she did an interview with the Arthur Wilson
23 case.

24 MS. SMITH: Okay.

25 MR. WILLIAMS: And she had went to an

1 institution to Arthur Wilson case, and she said
2 -- she had asked me did I know that there were
3 samples of skin under her fingernails that were
4 never tested. In 2005 I was here and I filed a
5 paper to get a DNA testing because of that and I
6 was turned down.

7 MS. SMITH: Okay.

8 MR. WILLIAMS: They never told me why,
9 so I don't know if that still exists or not.

10 MS. TANNER: Okay.

11 MS. SMITH: Okay. And her name is
12 Phoebe --

13 MS. TANNER: Zerwick?

14 MR. WILLIAMS: Zerwick.

15 MS. SMITH: And who was she? Was she
16 an attorney?

17 MR. WILLIAMS: No. She was a
18 reporter.

19 MS. SMITH: A reporter?

20 MR. WILLIAMS: She did the stories on
21 the paper that had (indiscernible), the Inquirer.
22 The story had (indiscernible) the Inquirer --

23 MS. SMITH: Okay.

24 MR. WILLIAMS: -- on Arthur Wilson.
25 She did that, but it was a two-part story. She

1 did one on a Sunday and then she did a follow-up
2 on that Monday, so two stories came out. One was
3 a curious case and my trial, so you only had --
4 got one portion of that. There was another
5 portion to it.

6 MS. SMITH: Okay.

7 MR. WILLIAMS: You know. She had went
8 to an institution and seen Mr. Carmichael, talked
9 to him, and that time Mr. Carmichael gave her the
10 name of his co-defendant.

11 MS. SMITH: Okay.

12 MR. WILLIAMS: And she actually seen
13 him in the county jail before she came on her
14 second visit, but by law, she couldn't give me
15 name, tell me what it was, so --

16 MS. TANNER: Who was she seeing in the
17 county jail?

18 MR. WILLIAMS: The guy who's supposed
19 to be the co-defendant --

20 MS. TANNER: Okay.

21 MR. WILLIAMS: -- of --

22 MS. TANNER: Carmichael?

23 MR. WILLIAMS: Carmichael.

24 MS. TANNER: Okay.

25 MS. SMITH: Did you talk to Robbin

1 Carmichael in prison?

2 MR. WILLIAMS: No. I've seen him a
3 couple of times and most of the guys
4 (indiscernible) told me to stay away from him,
5 not cause a conflict, but he spoke to me one
6 time, but we never talked about that, you know.
7 He was kind of offish with me, you know, being in
8 prison, so I just stayed away from him.

9 MS. SMITH: All right. And my
10 understanding is you are in prison on three
11 separate crimes; is that correct?

12 MR. WILLIAMS: Yes. The Smith case,
13 and we were drinking. We had a party, drinking.
14 We were on the porch. We got into an argument
15 and we started shoving each other. I shoved her.
16 She did fall. They had dropped that because a
17 technicality of not given -- read my rights. But
18 after I had got tried and convicted these last
19 two, they brought the charges back, and my lawyer
20 had me go in and plead to manslaughter. He said
21 "Because the fact that you pushed her and she
22 fell, it would constitute manslaughter. It's not
23 a murder charge," he said, "but you did push
24 her," so I did go ahead and pled to that charge.

1 MS. SMITH: Okay. And what about the
2 other one? We talked about Blanche Bryson, but
3 what about the other case?

4 MR. WILLIAMS: It was -- I put myself
5 in something I should never have been into. I
6 initiated something against me, Darryle Hunt and
7 Sammy Mitchell. And I was allowed to create
8 witnesses, and I did because it was so easy
9 because people hated him so much.

10 We -- when I went to the police
11 department, I was never going to be involved in
12 the case, but after their names was mentioned,
13 the police wouldn't go for it like that. He
14 said, "Well, then you had to be in it in order to
15 know it." And that's when I actually injected
16 myself into it.

17 There was a weapon, ax handle, that
18 was given to me as a weapon. It was never tested
19 or anything. It was tested for fiber and blood.
20 None of that was on -- they found a piece of
21 fiber and said that wasn't it. And all the
22 witnesses, three of the witnesses, two females
23 were a football field length away. Those two I
24 knew. They took me to the hospital. I got them
25 out of the house to come talk to the police.

1 Mattie Davis was supposed to be my
2 girlfriend. She lived in -- we lived together
3 for a while. She came to the police department
4 and spent about an hour and 10 minutes with me in
5 a room by ourselves to get our stories together.
6 And after we got our stories together, they put
7 the case together like that, gave like three
8 different statements until everything somewhat
9 fit into a pattern that they could believe was
10 right. And everything went downward after that
11 and we get convicted.

12 MS. SMITH: Okay. Did you commit that
13 crime?

14 MR. WILLIAMS: No.

15 MS. SMITH: And you confessed in the
16 Blanche Bryson murder as well; is that correct?

17 MR. WILLIAMS: Yes, but I had a jury
18 trial. My lawyer told them, he said -- my lawyer
19 said, "Look, there's no way you did this." He
20 said "We're going to try it by jury," and it got
21 tried by a jury and got found guilty and then
22 ended up in here.

23 MS. SMITH: Did you plead to the other
24 -- the Smith case?

25 MR. WILLIAMS: Yes, because I actually

1 did that one. I couldn't even get around it. I
2 knew I had -- it was my fault for pushing her.

3 MS. SMITH: Okay.

4 MR. WILLIAMS: Because the argument
5 would have never happened.

6 MS. SMITH: And then the second case
7 that we talked about --

8 MR. WILLIAMS: Wilson, Wilson.

9 MS. SMITH: Wilson, did you plead to
10 that one or did you have a trial on that one?

11 MR. WILLIAMS: My lawyer said "We're
12 going to have a trial." After Hunt and them was
13 already being tried for, they said my best option
14 was a plea.

15 MS. SMITH: Okay. So you took a plea
16 on that one?

17 MR. WILLIAMS: Uh-huh.

18 MS. SMITH: Okay.

19 MR. WILLIAMS: And it was horrible. I
20 know it's hard to sit here and believe somebody
21 would inject themselves in murders, but I put
22 myself in prison. I can't blame nobody because I
23 didn't have to get involved in that stuff and I
24 did, so now here I am three years later.

25 MS. SMITH: Okay. Do you have any

1 questions?

2 MS. TANNER: Mr. Carmichael, did you
3 only ever know him in prison?

4 MR. WILLIAMS: Uh-huh. Never met him
5 until he came to prison.

6 MS. TANNER: Prior to -- okay.

7 MR. WILLIAMS: Matter of fact, I think
8 18 months I was at CP and he came -- sent to
9 prison.

10 MS. TANNER: Okay.

11 MR. WILLIAMS: And I had seen him for
12 the first time, but I never knew him.

13 MS. TANNER: Okay.

14 MR. WILLIAMS: He give statements to
15 the police when he had got tried that he didn't
16 know me, and I wasn't his crime partner, but the
17 DA wouldn't -- he wouldn't consider anything.

18 MS. TANNER: Okay.

19 MS. SMITH: How did you find out that
20 Mr. Carmichael knew -- or that Mr. Carmichael had
21 confessed to the crime?

22 MR. WILLIAMS: There was some people
23 from Winston that had came into prison during the
24 course of the time with him and (indiscernible)
25 what I had came in for, and one guy said "your

1 crime partner." I said "crime partner?" I said
2 "I don't have a crime partner." And he said,
3 "Yes, you do." And that's when I seen him for
4 the first time. And he was still a young kid.
5 And the only thing he could say to me, he said "I
6 don't know you" and that was it. We didn't have
7 no -- we never mingled together. He wasn't mad.
8 I wasn't angry with him. I just didn't want to
9 get tied up with him and I stayed away from him.
10 That's all I could do.

11 MS. SMITH: And so as of today, you
12 still don't know who the other person is that he
13 named?

14 MR. WILLIAMS: No. I don't know if
15 Ms. Zurich would give him up or not, but I know
16 she did find out who he was.

17 MS. SMITH: Okay. Do you have
18 anything else?

19 MS. TANNER: Nothing.

20 MS. SMITH: Do you have anything else
21 you want to tell us today?

22 MR. WILLIAMS: No. That's about it.

23 MS. TANNER: Okay.

24 MS. SMITH: Okay. Like I said, there
25 will be potentially other folks from our office

1 that will come back and talk to you at a later
2 date, which is for a longer time, okay, at some
3 point during the course of the investigation.

4 I think that's it. You don't have any
5 questions for us?

6 MR. WILLIAMS: No.

7 MS. SMITH: Okay.

8 MR. WILLIAMS: I'm just nervous. I've
9 been up all night waiting to come over here.

10 MS. SMITH: I will just add, there's
11 no timeframe for how long our process takes, so
12 you may not hear from us for a while. Even after
13 someone comes in and interviews you, it may be
14 some period of time before you hear anything, so
15 we will let you know if we need any information
16 from you or if we end up closing your case, we
17 will let you know when we've done that, but it
18 can take a while to work through the process.

19 MR. WILLIAMS: All right.

20 MS. TANNER: Okay.

21 MS. SMITH: Okay.

22 MR. WILLIAMS: All right.

23 MS. SMITH: All right.

24 MS. TANNER: All right. Thank you.

25 MS. SMITH: Thank you very much.

1 MR. WILLIAMS: Thank you.

2 MS. SMITH: I'll let you know that we
3 are (indiscernible).

4 MR. WILLIAMS: Ms. Milton told me, she
5 says she knows you all. She says you all right.

6 UNIDENTIFIED SPEAKER: (Indiscernible)

7 MR. WILLIAMS: Wish it was that easy.

8 MS. SMITH: Yes.

9 MR. WILLIAMS: Thank you.

10 MS. SMITH: Nice to meet you. Thank
11 you.

12 UNIDENTIFIED SPEAKER: Yes, ma'am.

13 (The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 17 pages of this transcript of the recorded interview of Merritt Williams was taken on April 13, 2018, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This is the 6th day of February, 2019.

A handwritten signature in cursive script that reads "Gloria Veilleux".

GLORIA VEILLEUX
Notary Public

April 11, 2019

Commission Interview with Merritt Williams

April 11, 2019 – Blanche Bryson

Page #	Description	Exhibit
1	Interview of MW on April 11, 2019 by Brian Ziegler (BTZ), Catherine Matoian (CLM), and Beth Tanner (DET). Julie Boyer, counsel for MW, was also present.	
2	Exhibit list.	
3-5	MW' brought from his own records (1) a copy of the order related to his request for DNA testing and (2) a letter he sent requesting all of his records.	
6	He hung around with Mattie Mae in 1985 and with her older brother but could not remember others.	
7-8	MW recalled hearing on the radio that Bryson had been killed and robbed or "something like that" (p. 1, line 12). MW recalled one of the stories "talking about somebody jumping in the car through a back window...and driving off" (p. 1, lines 19-22). MW did not remember if he heard on the radio that Bryson died. He said that the radio spot did not say which car. He also remembered reading about it in an article in the paper and another article in jail. MW did not watch much television.	
9	He talked to police about the Bryson case initially because Weavil told him he "needed to help himself." After he talked to police about the Wilson case, he read a "little short article" about the Bryson case.	
10-12	Before any statement was written, police took him to Bryson's house and they started talking about the case. He chose Bryson because he thought the only place he could get help was in a case related to the black community.	
13-20	MW recalled Po' Charlie's daughter, Charlene Witherspoon, but did not recall talking to police about the case. CLM shows MW Exhibit 56, a note related to the Witherspoon case, he recognized his handwriting but did not believe much of the content made sense. MW identified this as being written as a "back up" to tell police if anything went wrong but said nothing in the handwritten statement was true. MW was also surprised that the paper was part of the police file because he said it was never intended to be given to police. He identified notes on the bottom of the page as related to the Bryson case.	Exhibit 56 – Undated, unsigned handwritten document
21-23	MW said his initial version was Mitchell was with him, and Mitchell choked Bryson. His second statement included Terry Smith because Smith was a drug dealer. "It was supposed to have been a drug deal gone back, getting her	

	for that for her son” (p. 23, lines 1-3). MW believed Bryson’s son had a connection with Smith.	
24-25	CLM shows MW Exhibit 1, a handwritten statement he gave on 12/19. Upon seeing his statement, MW recalls naming Gadget with Mitchell. He said he gave three names because “they” said it was three people. MW gave them Mitchell’s name because “they wanted Sammy so bad” (p. 25, lines 14-16).	Exhibit 1 –Merritt Williams’ first handwritten statement
26-29	Recalls police trying to get him to identify individuals after he was convicted. He started to include Hunt but he did not because police did not include	
30-33	Discussion of the route taken by police with MW. CLM shows MW Exhibit 57, a report about a statement MW gave to police about Bryson.	Exhibit 57 – Report from the Winston-Salem Police Department from April 18 th
34-41	MW highlights on Exhibit 57 what he does not remember doing with police.	
42-50	MW reviews Exhibit 55 for anything he did not recall telling police. MW recalls that Terry Smith had a Buick, not a Mercedes as the statement indicates. MW also said he did not wear two toboggans and he never had.	Exhibit 55 – April 18, 1986, police report
50-51	MW alleges the lampshades came up in his statements because police asked him if he took something off the back porch, “something you use in the house” and he told them about the lampshades because he knew that there were lampshades at his house.	
52	Continues review of what MW alleges he did not tell police out of Exhibit 55.	Exhibit 55 – April 18, 1986, police report
53-54	MW alleges that he knew Bryson’s car had been taken because police asked him what they had done with the car, and then he saw a picture of the car at police headquarters.	
54	Continues to review Exhibit 55 and marking what he indicates he did not tell police.	
55-56	MW alleges that he “sat down” with police and two different statements he had made and started “moving stuff around.”	
59-60	MW did not recall reporting to police that he was concerned for his or Mattie Mae’s safety, but says that he was probably more concerned about himself because he implicated Terry Smith. He believed police would believe his statements in the Bryson case because he included Mitchell, and Mitchell and Smith were pests in the community.	
62	MW recalls that at the time, it was “really rough” for the DA’s office. MW is shown Exhibit 3.	Exhibit 3 – Polygraph Report 4/21/86
63-64	MW says that he lied to police about the lampshades and that he made up that detail of the lampshades because he	

	was trying to “put [himself] at that place at the time [he] needed to be with those statements.” (p. 63, lines 20-25).	
64-67	MW denies knowing Anthony Venson (Venson), and says he did not realize Venson had a relationship with Terry Smith. MW also denies knowing Terry Smith as “Gadget” or “Tiny.”	
69	MW reviews Exhibit 2 and highlights what he contends he did not recall telling police.	Exhibit 2 – Report from police file
70	MW recalls a female PI hired by his lawyers that “ruled out” Terry Smith, and that is why “later on” his statements changed. He does not know her name and didn’t see her reports.	
71	MW says he changed to the “Lieutenant” story because police kept telling him something wasn’t adding up. He says that police told him it was unlikely it was Terry Smith. They did not tell him it couldn’t have been Mitchell. He continued to Sammy Mitchell up until the trial.	
72-74	MW indicates Ex. 60 is the statement he told the Commission was missing. This was the first statement he gave. Then he changed the story to include Mitchell, then he changed back to the “Lieutenant” version.	Exhibit 60 – Detective Hicks’ trial testimony regarding the 4/24/86 statement
74-76	MW says that the female investigator “... had got kind of leary because they wanted to start backing away from Sammy” (p. 76, lines 8-9). He thinks this is because the detective thought there were issues with the Wilson case.	Exhibit 61 – Police report from 4/24/86
76-81	MW identifies Exhibit 62 as something he drew. He recalled pulling into the house on the side where the kitchen is marked. Police then pointed to the kitchen and living room. He based this sketch on a sketch police had already shown him and what police told him. The three circles are meant to represent him, Lieutenant, and the Bryson. He included the van because he was told by police there was a van parked across the street.	Exhibit 62 – Map drawn, Merritt Drayton, 4/24/86
81-84	MW denies drawing Exhibit 63.	Exhibit 63 – Document marked 982 from the Winston-Salem Police Department file
84-87	He does not recognize the name Lester Davis. MW highlights portions of Exhibit 64 that he does not remember telling police. He was only shown a lineup after he was convicted.	Exhibit 64 – Winston-Salem Police report from May 6, 1986
88—97	MW did not recall meeting with Don Tisdale about the Bryson case or telling him about the receipt in his wallet. MW was making money at the time doing construction work. He denied ever going to Zayres. He did recall James Jackson taking him to another store. He acknowledges Mattie Mae and James Jackson could be right about going to a store, but it wasn’t Zayres. MW thought he told WSPD	Exhibit 65 – Winston-Salem police report marked 447 and 448

	about his wallet because it would have receipts in there that would clear him.	
97-98	MW recalls meeting with his lawyer and his lawyer saying, "It's too late. You got in deep and they want the trial" (p. 98, lines 2-3).	
98-100	Glenn and Gregg Davis told him they wanted to get off his case because MW had put himself in the Bryson case. He told his attorneys that the Lieutenant version of the story was accurate at first. He later told his attorneys he didn't do it, but they did not want to take the plea offer.	
101-102	MW told his attorneys that he was innocent prior to his trial, but he does not think they told that to the police.	
102-103	Regarding his trial, MW recalls the testimony about the hair from the toboggan and Hicks being cross-examined by his attorneys about telling MW he could go free. MW can't recall specifically what Hicks told him about going free, but believes that she said something like that.	
103-106	Recalls saying he had committed the murder during his testimony. Explains his testimony regarding what police believed, says there was some belief that Mitchell was involved and some police that Terry Smith was involved, "And it was just shifting back and forth. At one point, they believed and then the next point they didn't believe" (p. 106, lines 1-9).	Exhibit 66 – Transcript – Williams' Testimony
106-108	MW says that Hicks is who told him he could get help, but didn't go into details of how he could do so.	Exhibit 66 – Transcript – Williams' Testimony
108-112	MW says that George Thompson is someone he knew that had been dead long before the trial. George Thompson was from South Carolina. MW used the name because it was the quickest name he had in his head while on the stand. MW said Lieutenant/George Thompson worked for Terry Smith because it was the only way to get police to believe the whole story. George Thompson had no connection to Terry Smith.	Exhibit 66 – Transcript – Williams' Testimony
112-113	MW understands that all the people he named could have been charged with murder. "I can't answer why that happened. It happened. And I'm still trying to find why I could do it" (p. 113, lines 5-7).	
113-117	MW discusses what psychologists have told him about why he might have admitted to crimes he didn't commit.	
117-119	MW did not recall asking to speak with detectives after he had been convicted. Exhibit 40 does not refresh his recollection.	Exhibit 40 – Report after being convicted 7/31/87
119-121	MW did not recall being shown this lineup. George Thomas Wideman is not George Thompson. Does not recognize any of the photographs.	Exhibit 67 – Lineup – 7/31/87

121-122	MW recalls being shown a lineup while in Central Prison after he was convicted and being asked to look for his crime partner in the Bryson murder. This was before he met Carmichael.	
122-124	MW discusses how he heard about Carmichael while in Central Prison.	
124-127	MW discusses the first conversation he had with Robbin Carmichael. Says Carmichael told him they were locked up for the same thing but said, "You're not my crime partner" (p. 125, line 18). He would see Carmichael from time to time, but they wouldn't talk about the murder. He generally stayed away from Carmichael to avoid any issues.	
127	MW says he had heard from others in prison that Carmichael had turned himself in prior to Carmichael being pointed out to him in prison.	
128	MW did not know the name of Carmichael's crime partner.	
128-130	Other than meeting Carmichael and speaking to Zerwick, nothing else happened with his case. He waited to see if the DA would do anything. He never contacted the DA himself.	
130-134	MW is unable to give the names of the other people from Winston-Salem who were in prison with him who provided information about Carmichael.	
134-135	MW says that prior to Zerwick coming to see him in prison, he knew that Carmichael had robbed the house, had things he had taken from the house, and then turned himself in. He did not understand why Carmichael would turn himself in after MW had been convicted.	
135-138	MW is proud that Carmichael got out and went to work and is not getting in trouble. He knows people in Winston and can check on Carmichael. He asked his fiancé, Suzanne Carter, to check on Carmichael. She found his workplace. He thinks she found him on the computer.	
138-140	MW recalls more information about the DPS phone call Commission staff asked about during 4/10/2019 interview. This statements he made were in reference to a man in Wilkes County who is willing to help MW if he gets out. This man wanted to talk to the Commission about MW.	
140-141	MW denies knowing Carmichael while they were both living in Winston-Salem because Carmichael was younger than him.	
141	MW says that no one had ever come to him to tell him that Carmichael had turned himself in for this crime.	

142-144	MW says that Zerwick came to him in 2004 to talk about the Wilson case. She told him about Carmichael and said she was going to speak to him. MW says Zerwick came back for a second visit and told him that Carmichael said MW wasn't his crime partner. Zerwick told MW she could not give him the crime partner's name. Zerwick also said she could not go to the DA's office with this information.	
144	MW says that he does not know the name of the person named by Carmichael.	
144-145	MW discusses his decision to apply to the Commission.	
145-147	MW says that before he applied to the Commission, he applied to another organization at Chapel Hill or Duke. They sent a letter stating they could not investigate his case.	
147	MW says he does not know anyone by the name Darren Johnson.	
148	MW denies trying to do any research into the person named by Carmichael. He has talked to people from Winston-Salem that know Carmichael, but no one has ever told him the other name.	
150	MW denies any involvement in the Bryson murder. MW states that none of the individuals he named in his confessions committed the murder. MW denies committing this crime with Carmichael. He also denies having any agreement with Carmichael where Carmichael would come forward in order to get him (MW) out of prison. MW denies there being any agreement between him and Carmichael about what they are going to say.	
151-154	MW does not know where he was when he wrote Exhibit 56. He cannot remember the last time he saw this document, but thinks he was in jail.	Exhibit 56 – Undated, unsigned handwritten document
154-155	William says that he used facts that he heard elsewhere with the police, such as the car and the Victim coming home from a party. MW recalls one of the detectives mentioning Mitchell's name to him before they drove over to Bryson's house.	
155-156	MW didn't review any documents prior to the Commission's interview. He didn't talk to anyone about the interview.	
156-157	MW says he changed his story because the police did not believe it.	
157-158	MW indicates he would not have used stars to represent houses (as they appear on Exhibit 63). He would have drawn boxes.	Exhibit 62 – Map drawn, Merritt Drayton, 4/24/86 Exhibit 63 – Document marked 982 from the Winston-Salem Police Department file

158-170	Commission staff explains hearing process and visit from expert.	
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NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO.: 86 CRS 31738

STATE OF NORTH CAROLINA,

Petitioner,

T R A N S C R I P T

vs.

Merritt Williams Drayton

MERRITT WILLIAMS DRAYTON,

Recorded Interview

Defendant.

This is the transcript of the recorded interview taken of Merritt Williams Drayton, which was conducted by Catherine Matoian, Grant Staff Attorney, Donna "Beth" Tanner, Associate Director, from the North Carolina Innocence Inquiry Commission. The interview took place on April 11, 2019.

APPEARANCES:

Catherine Matoian, Grant Staff Attorney
Donna "Beth" Tanner, Associate Director
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present: Julie Boyer, Esq.
Merritt Williams

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1 P R O C E E D I N G S

2 MS. MATOIAN: Okay. So we are back on on
3 April 11th and now we are talking about the Bryson case.

4 MR. WILLIAMS: Uh-huh.

5 MS. MATOIAN: And what has just been handed to us?

6 MR. WILLIAMS: And that was something later on.

7 MS. MATOIAN: Okay.

8 MR. WILLIAMS: When I tried to --

9 MS. MATOIAN: So it looks like something you got
10 from the clerk's house?

11 MR. WILLIAMS: Yeah.

12 MS. MATOIAN: Oh, this is about your order for DNA
13 testing.

14 MR. WILLIAMS: Yeah. That's when I tried to get
15 it in and they turned it down, so...

16 MS. MATOIAN: Okay. I think we have a copy of
17 this, but thank you. Did you bring anything else with you?

18 MR. WILLIAMS: No. This is the last --

19 MS. MATOIAN: (Inaudible) --

20 MR. WILLIAMS: -- when I had requested --

21 MS. MATOIAN: -- yeah.

22 MR. WILLIAMS: -- information from the police
23 department and they sent me this. And I wrote them again --

24 MS. MATOIAN: In 2010?

25 MR. WILLIAMS: -- about it. Uh-huh. I wrote them

1 again to send me all the information I needed for that. And
2 they sent that back. And I wrote them again and they never
3 answered back. And --

4 MS. MATOIAN: Okay. So what were you asking for?

5 MR. WILLIAMS: Well, to get all my records
6 concerning the first case we just got through talking,
7 but --

8 MS. MATOIAN: Okay.

9 MR. WILLIAMS: -- when I wrote them back telling
10 them exactly what I want, it just didn't -- they didn't
11 answer it back.

12 MS. MATOIAN: So you wrote back with the
13 information?

14 MR. WILLIAMS: Asking them for the certain
15 information.

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: And they never did send it.

18 MS. MATOIAN: Okay. I should probably have that,
19 too, I would think. Would you mind if we took that with us
20 just to make a copy --

21 MR. WILLIAMS: No.

22 MS. MATOIAN: -- if we don't have it and then we
23 can -- that -- that I'm sure we have.

24 MR. WILLIAMS: All right.

25 MS. MATOIAN: But we'll just make a copy --

1 MR. WILLIAMS: (Inaudible) ride it out.

2 MS. BOYER: (Inaudible.)

3 MR. WILLIAMS: All right.

4 MS. MATOIAN: Okay.

5 MR. WILLIAMS: I wasn't sure.

6 MS. BOYER: I'm on your side.

7 MR. WILLIAMS: All right. I'm going to ride it
8 out. It was tempting, but last night I just -- I said, Man,
9 this is (inaudible).

10 MS. BOYER: I know yesterday was hard being
11 grilled by three attorneys.

12 MR. WILLIAMS: Yeah.

13 MS. BOYER: Most people only have to deal with
14 being drilled by one attorney most of the time, but you had
15 three. So I understand you're tired.

16 MS. MATOIAN: All right. Well, you let me know if
17 you need to take a break.

18 MR. WILLIAMS: All right.

19 MS. MATOIAN: So we're going to talk about the
20 Bryson case. And you've been doing an excellent job of
21 keeping them separate when we talk, so I appreciate that.
22 And we'll try and keep that going.

23 I have some things I'm going to show you.
24 Probably not as much as yesterday maybe. Some of them might
25 be in this binder and some of them I might have right here.

1 So I will get -- let you know and hand them to you. And I
2 think we're going to start at Exhibit 55 when we do start.

3 Okay. So in 1985, after you get out of prison --

4 MR. WILLIAMS: Yes.

5 MS. MATOIAN: -- for the burning, other than
6 Mattie Mae, who were you hanging around with at that time?

7 MR. WILLIAMS: That's probably it. I don't know a
8 whole lot of people.

9 MS. MATOIAN: Did you have friends?

10 MR. WILLIAMS: Some. I wouldn't call them
11 friends. Just acquaintance I guess you would say.

12 MS. MATOIAN: Who would those acquaintances be?

13 MR. WILLIAMS: Some guys that I knew that were
14 from the drink house. They didn't -- they stopped going to
15 the drink house. Mattie Mae brother --

16 MS. MATOIAN: And that's Thomas Thompson?

17 MR. WILLIAMS: No. Her --

18 MS. MATOIAN: Okay.

19 MR. WILLIAMS: -- older brother. He -- she had
20 another brother and I can't remember his name.

21 MS. MATOIAN: Okay.

22 MR. WILLIAMS: I didn't hang with him. He was in
23 trouble already then, too. Oh, man. I just can't remember
24 some of the people that I hung around.

25 MS. MATOIAN: Okay. When did you first hear that

1 Ms. Bryson had been murdered?

2 MR. WILLIAMS: First it was over the radio for a
3 while. It played it a long time.

4 MS. MATOIAN: And do you remember what the radio
5 station was?

6 MR. WILLIAMS: Oh, God. No. It was the -- I
7 guess you call it rap station, more like soul station
8 mostly.

9 MS. MATOIAN: Okay. And what would you hear on
10 the radio?

11 MR. WILLIAMS: They were just talking about how
12 somebody had killed her and robbed her, something like that.
13 And then, again, they started talking about information,
14 people who could identify people that's been in that area at
15 night and stuff like that. And that was it.

16 MS. MATOIAN: Did they say how she was killed?

17 MR. WILLIAMS: No, they never said that. One --
18 just one of the stories was just about -- talking about
19 somebody jumping in the car through a back window.

20 MS. MATOIAN: Someone jumping into the car through
21 the back window?

22 MR. WILLIAMS: And driving off.

23 MS. MATOIAN: Did they give street names?

24 MR. WILLIAMS: I can't remember if they gave the
25 street names or not. I can't remember if they did or not.

1 MS. MATOIAN: And did they say what car?

2 MR. WILLIAMS: No. They didn't say what car.
3 They just said a car was speeding off.

4 MS. MATOIAN: Okay.

5 MR. WILLIAMS: And they got in it and jumped in
6 the window.

7 MS. MATOIAN: So other than the radio, did you
8 hear about it anywhere else?

9 MR. WILLIAMS: No. I think there it an article,
10 but I didn't read it. It was an article in one of the
11 papers that people was talking about it and that was it.

12 MS. MATOIAN: Okay. Do you remember anything that
13 the article said?

14 MR. WILLIAMS: No. Not until the article I seen
15 when I was in jail. That was an article I seen.

16 MS. MATOIAN: But you think you saw an article
17 when you were out --

18 MR. WILLIAMS: Uh-huh.

19 MS. MATOIAN: -- on the streets? Okay.

20 MR. WILLIAMS: I didn't pay that much attention to
21 it.

22 MS. MATOIAN: Did you ever see anything on TV
23 about it?

24 MR. WILLIAMS: No. Because I don't -- I hate to
25 say it, I don't watch TV probably hardly any.

1 MS. MATOIAN: And when do you think you were
2 hearing those things on the radio?

3 MR. WILLIAMS: God. I can't remember exactly. It
4 seemed to be shortly after she had died or maybe a month
5 before. It was -- no, it seemed like it was at the end part
6 of the year.

7 MS. MATOIAN: It was the end of the year?

8 MR. WILLIAMS: Uh-huh.

9 MS. MATOIAN: Okay. Okay. So how did you first
10 come to talk to police about the Bryson case?

11 MR. WILLIAMS: I don't know if it's in that -- any
12 of the statements. But, again, they were saying that I
13 needed to help myself and I implicated myself in that
14 murder.

15 MS. MATOIAN: Who said you needed to help
16 yourself?

17 MR. WILLIAMS: Weavers -- I get you call it Weavil
18 or Weaver.

19 MS. MATOIAN: Weavil did, okay. And when did he
20 tell you that?

21 MR. WILLIAMS: It was after -- it was not long
22 after we had been doing Arthur's case, the Wilson case.

23 MS. MATOIAN: Okay.

24 MR. WILLIAMS: We talked about it. And I was in
25 jail then. And I started reading a little short article

1 about -- about the Bryson case. But before any statement
2 was written, they came and got me and drove me all the way
3 to her house and pulled up in her yard.

4 MS. MATOIAN: Okay.

5 MR. WILLIAMS: And we started talking about it.

6 MS. MATOIAN: So when Weavil says that you need to
7 help yourself, did he say you need to help yourself by
8 giving information about the Bryson case or did he say you
9 need help yourself?

10 MR. WILLIAMS: He just said I needed to help
11 myself.

12 MS. MATOIAN: Okay. So you chose to provide
13 information about the Bryson case?

14 MR. WILLIAMS: Yes.

15 MS. MATOIAN: And why did you choose that?

16 MR. WILLIAMS: It was a black community. And that
17 was the only place I'd probably get help because that was
18 the only thing people really wanted to have solved. And I
19 just jumped in.

20 MS. MATOIAN: Okay. So you said they took you to
21 her house. How did that whole thing start? Did you -- like
22 Weavil tells you you need to help yourself, you decide you
23 want to give them information about the Bryson case. What
24 happens next?

25 MR. WILLIAMS: He said, Well -- he came and got me

1 from the jail. And he said, Well, I'm going to take you --
2 take you someplace and tell me if -- if you know -- know
3 this place I'm taking you. So they went on the street that
4 she stayed on. And they went to the house and pulled up in
5 the yard. But rather than pull right up in the front yard,
6 they drove all the way to the back to where you could see
7 the back door and we started talking about it.

8 MS. MATOIAN: Had you told them that you knew
9 information about the Bryson case before they took you to
10 her house?

11 MR. WILLIAMS: Uh-huh.

12 MS. MATOIAN: Okay. So tell me about that.

13 MR. WILLIAMS: Only thing I told them is that I
14 had involvement and some other people's involved in it,
15 Darryl -- Darryl wasn't involved, but Sammy was involved in
16 it. And that's when they said, Well, let's just take a ride
17 and see if you can tell us more when you get there.

18 And when I got there, it was wild. They had
19 started asking me questions that -- how did we get in the
20 back door; who went in; what was taken out, and stuff like
21 that.

22 MS. MATOIAN: Okay. So the first time you talk to
23 police about the Bryson case, the only two names you gave
24 were Sammy and Darryl?

25 MR. WILLIAMS: Yes. And then the --

1 MS. MATOIAN: But that's the first time?

2 MR. WILLIAMS: Yeah.

3 MS. MATOIAN: Okay. Sorry. I just want to keep
4 it clear.

5 MR. WILLIAMS: Okay.

6 MS. MATOIAN: All right. So you tell them that
7 Sammy and Darryl are involved --

8 MR. WILLIAMS: Uh-huh.

9 MS. MATOIAN: -- and then they take you to her
10 house?

11 MR. WILLIAMS: Uh-huh.

12 MS. MATOIAN: Now, tell me about -- was it similar
13 to the Arthur Wilson case where you had someone from the
14 jail call them and say, hey, he wants to talk to you or how
15 did you get to them -- to police to tell them that Sammy and
16 Darryl were involved?

17 MR. WILLIAMS: After I read the article -- after I
18 had read the article, I had somebody call them.

19 MS. MATOIAN: But is that what you did?

20 MR. WILLIAMS: Uh-huh.

21 MS. MATOIAN: Okay. What did you tell them that
22 Sammy and Darryl had done?

23 MR. WILLIAMS: I can't remember. I told them that
24 Sammy was with me, but I didn't give them any details of
25 what he done. I had forgot just about everything in that

1 case. I had written it down, but I didn't keep any of it.
2 It was so long ago, I can't remember.

3 MS. MATOIAN: Do you remember also telling police
4 that you wanted to talk to them about the Witherspoon
5 homicide?

6 MR. WILLIAMS: Witherspoon? I don't know
7 Witherspoon.

8 MS. MATOIAN: So I'm going to show you 55.

9 (Exhibit Number 55 was introduced.)

10 MS. MATOIAN: And this is just a police report --

11 MR. WILLIAMS: Uh-huh.

12 MS. MATOIAN: -- from 56 April 18, 1986, which is
13 the first reported day we have of you talking to police
14 about this case. And it's 504 through 511. I'm not going
15 to ask you to read the whole thing right now. But I want
16 you to read the first paragraph right there on the first
17 page for me, on page 504.

18 (Pause.)

19 MR. WILLIAMS: "Witherspoon" shows at the top. I
20 don't remember Witherspoon at all.

21 MS. MATOIAN: Did you know a drug dealer was named
22 Po Charlie?

23 MR. WILLIAMS: Uh-huh.

24 MS. MATOIAN: Charlene Witherspoon was
25 Po Charlie's daughter?

1 MR. WILLIAMS: Yeah. She got more or less like
2 assassinated like in a murder. Somebody shot her up off
3 distance.

4 MS. MATOIAN: Okay. And did you know anything
5 about that murder?

6 MR. WILLIAMS: No, no. In fact, I couldn't have
7 because that murder happened while I was in jail, in prison.

8 MS. MATOIAN: Did you ever hearing anything about
9 that at all?

10 MR. WILLIAMS: Uh-uh. Only when guys from Winston
11 when they come to prison talk about they felt sorry for her
12 because somebody had shot her with a more or less a sniper
13 rifle from a distance away and killed her. And that's it.

14 MS. MATOIAN: So people were telling you that
15 jail. Did you ever tell police --

16 MR. WILLIAMS: No.

17 MS. MATOIAN: -- that that's what you heard?

18 MR. WILLIAMS: Uh-uh.

19 MS. MATOIAN: Do you ever remember giving a
20 statement in the Charlene Witherspoon case?

21 MR. WILLIAMS: No. I was in jail. I couldn't. I
22 don't know anything about Charlene when she got killed.

23 MS. MATOIAN: Okay.

24 MR. WILLIAMS: I just knew her dad.

25 MS. MATOIAN: Okay. I'm going to show you -- I'm

1 just going ask a few more questions about this Witherspoon
2 thing and then we're going to move on. But I'm going to
3 show you what I'm marking as 56.

4 (Exhibit Number 56 was introduced.)

5 MS. MATOIAN: This is an undated, unsigned
6 handwritten document. The first thing I want you to do is
7 look at it and tell me if that's your handwriting.

8 (Pause.)

9 MS. MATOIAN: Is that your handwriting?

10 MR. WILLIAMS: It looks like my handwriting. But
11 God, knows, some of the people in here, no. I wouldn't
12 present you recall those names because the top name, James
13 Drayton, he is dead.

14 MS. MATOIAN: Was he dead in 1985 or 1986?

15 MR. WILLIAMS: In fact, he's my uncle. He stays
16 in New York. He's dead as a doornail.

17 MS. MATOIAN: Was he a large dealer or a boss of a
18 12-member gang?

19 MR. WILLIAMS: No.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: He actually was a manager of one of
22 the casinos near Atlantic City. He died last year. In
23 fact, he died last year in June or July. He came home. My
24 mother brought him home so he could die.

25 MS. MATOIAN: So then it says:

1 "Hits orders come from James on cocaine dealers
2 who don't pay for their drugs."

3 Is that true?

4 MR. WILLIAMS: No. He don't even do drugs.

5 MS. MATOIAN: "Witherspoon had gotten \$750 worth
6 of drugs with about" -- it looks like "a hundred dollars
7 done on the face of Po Charlie's name or word."

8 Do you remember telling the police that?

9 MR. WILLIAMS: This -- this -- they shouldn't even
10 have this because this was something that was done while in
11 jail and this was some people in jail with me and it don't
12 even add up.

13 MS. MATOIAN: What do you mean by that?

14 MR. WILLIAMS: Because Po Charlie, he was in
15 prison during that time, federal prison. I knew -- I knew
16 about him being in prison. And, no, none of this is
17 accurate.

18 MS. MATOIAN: So then the next statement says:

19 "James has ordered hits on six people including
20 Po Charlie and his little girl."

21 Were you talking about Charlene?

22 MR. WILLIAMS: That's weird. This is crazy
23 because, no, none of this should have been ever brought up
24 because I don't know anybody in Miami.

25 MS. MATOIAN: When you say "none of this should

1 have been brought up," what do you mean, that you wrote this
2 but nobody should know about it?

3 MR. WILLIAMS: This was something that was going
4 to be used, but this should have never came up at all.

5 MS. MATOIAN: Who is --

6 MR. WILLIAMS: Because all these people are --
7 only person in here that I have direct contact with would
8 have been my uncle and Cherry, which is Cherry Smith.

9 MS. MATOIAN: Okay.

10 MR. WILLIAMS: That's in the Bryson case.

11 MS. MATOIAN: Right.

12 MR. WILLIAMS: But other than that, no.

13 MS. MATOIAN: So what was this for? You said this
14 shouldn't have been used. Well, what was it written for?

15 MR. WILLIAMS: Well, this was actually written as
16 a backup if anything went wrong. But none of it's true.
17 Because my uncle, he don't do drugs. He can't anyway even
18 when he was living.

19 MS. MATOIAN: Why did you need a backup?

20 MR. WILLIAMS: Because when they questioned me,
21 they wanted to make sure I had things in order. If I was
22 going to get any help, I had to have something that was
23 believable.

24 MS. MATOIAN: So I -- please correct me if I'm
25 wrong. What you're saying is that the police told you that

1 you needed to have a backup that was believable?

2 MR. WILLIAMS: They wanted everything I do to make
3 sure it was written so it would be believable.

4 MS. MATOIAN: Okay. So --

5 MR. WILLIAMS: (Inaudible.)

6 MS. MATOIAN: -- they had you write this, but
7 you're saying that nothing in here is true?

8 MR. WILLIAMS: No. Nothing. Not a thing.

9 MS. MATOIAN: Did they think this was believable?

10 MR. WILLIAMS: I would say yes and no.

11 MS. MATOIAN: Okay. What didn't they think was
12 believable about it?

13 MR. WILLIAMS: I don't think they believed the
14 hit. But the thing with Cherry, Cherry Smith and stuff like
15 that, they believed.

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: The amount of drugs that were
18 moved, they believed that.

19 MS. MATOIAN: Okay.

20 MR. WILLIAMS: Because that was close to what was
21 always said him doing.

22 MS. MATOIAN: So I just want to understand why
23 you're saying that this shouldn't have been used. Like
24 what -- what happened with this?

25 MR. WILLIAMS: I didn't give it to them, I know

1 that.

2 MS. MATOIAN: You never gave this to them?

3 MR. WILLIAMS: Uh-uh.

4 MS. MATOIAN: Okay.

5 MS. TANNER: So did the police direct you to write
6 this or did you just write this or is there some other
7 reason that it's down on the paper?

8 MR. WILLIAMS: I was writing it because it was
9 never finished. It was being more or less like a statement
10 and I stopped -- I stopped writing on that.

11 MS. TANNER: Okay. Did the police ask you to
12 write this?

13 MR. WILLIAMS: No. They asked me to try to
14 remember anything I could about certain things and I wrote
15 this.

16 MS. MATOIAN: So you were writing this down while
17 you were giving information on cases as a backup for
18 yourself --

19 MR. WILLIAMS: Uh-huh.

20 MS. MATOIAN: -- of information you could use?

21 MR. WILLIAMS: Yes.

22 MS. MATOIAN: Okay. And then down at the bottom,
23 it says:

24 "I was sent to break in the house along with these
25 other two people who was there. The person (sic) was that

1 the old lady owes some money and was told to be careful of
2 papers."

3 Is that your handwriting as well?

4 MR. WILLIAMS: Yes.

5 MS. MATOIAN: Okay. And what case are you talking
6 about there?

7 MR. WILLIAMS: That was the Bryson case.

8 MS. MATOIAN: Bryson case. Okay. But today, you
9 don't remember ever giving the police any kind of statement
10 about the Charlene Witherspoon murder?

11 MR. WILLIAMS: No.

12 MS. MATOIAN: No. Okay.

13 MR. WILLIAMS: Do you want me to finish reading
14 this thing?

15 MS. MATOIAN: Stick that to the side. Hold on one
16 second. I just want to --

17 MR. WILLIAMS: I think that's --

18 MS. MATOIAN: -- take it back for one second.

19 Okay. So you told the police that Sammy and
20 Darryl are involved. That is the first version --

21 MR. WILLIAMS: Uh-huh.

22 MS. MATOIAN: -- that you tell them in the Bryson
23 case?

24 MR. WILLIAMS: Uh-huh.

25 MS. MATOIAN: They take you to her house?

1 MR. WILLIAMS: Uh-huh.

2 MS. MATOIAN: Did you go straight to her house?

3 MR. WILLIAMS: Uh-huh.

4 MS. MATOIAN: Okay. And they start asking you
5 questions?

6 MR. WILLIAMS: Uh-huh.

7 MS. MATOIAN: Do you remember what you were
8 telling them about being there?

9 MR. WILLIAMS: I think I told them when we went in
10 the house we moved furniture around, stuff like that. And
11 then they asked me about her being killed. And I don't
12 know -- they put in a statement. And then I suggest that I
13 hold her hand and she couldn't get -- get away. And she was
14 being choked while I hold her hands.

15 MS. MATOIAN: Who was choking her?

16 MR. WILLIAMS: I told her Sammy was.

17 MS. MATOIAN: Okay. Was that true?

18 MR. WILLIAMS: No. It was ruled out.

19 MS. MATOIAN: Had you ever been to her house
20 before?

21 MR. WILLIAMS: No.

22 MS. MATOIAN: Okay. So you go there, they're
23 asking you questions, you tell them that it was you, Sammy
24 and Darryl?

25 MR. WILLIAMS: Just me and Sammy then.

1 MS. MATOIAN: Just you and Sammy?

2 MR. WILLIAMS: Uh-huh.

3 MS. MATOIAN: Okay. And Sammy chokes her while
4 you hold her hand?

5 MR. WILLIAMS: Uh-huh.

6 MS. MATOIAN: And you moved furniture. Did you
7 tell them you took anything?

8 MR. WILLIAMS: They think I took some lampshades.
9 But no. The lampshades were -- the same thing came from the
10 same house we were in on 9th Street --

11 MS. MATOIAN: Okay.

12 MR. WILLIAMS: -- on 9th Street.

13 MS. MATOIAN: Okay. So after you go to her house
14 that first time, what happens after that?

15 MR. WILLIAMS: Went back to the police department
16 and then statements were made. I made statements. Kept
17 written (sic) some. And there's two different statements.

18 MS. MATOIAN: Okay. Who did you name in those two
19 statements?

20 MR. WILLIAMS: Sammy and Terry Smith.

21 MS. MATOIAN: Okay. Was there anyone else?

22 MR. WILLIAMS: I can't remember if I put down
23 anybody else's name.

24 MS. MATOIAN: Okay. How does Terry Smith get
25 involved?

1 MR. WILLIAMS: Because he was a drug dealer. And
2 it was supposed to have been a drug deal gone bad, getting
3 her for that for her son.

4 MS. MATOIAN: Who told you it was supposed to have
5 been a drug deal gone bad?

6 MR. WILLIAMS: That's they way we had determined
7 it would be. It had to be a drug deal gone bad. And that's
8 when he was introduced into in the case, because her son was
9 a lawyer and he had a connection with Terry. And that's how
10 this thing played out.

11 MS. MATOIAN: Who told you her son had a
12 connection with Terry?

13 MR. WILLIAMS: In the community we seen them
14 together before.

15 MS. MATOIAN: You knew?

16 MR. WILLIAMS: Yeah. I seen them before.

17 MS. MATOIAN: Okay. And -- but you're saying we
18 determined that it must have been a drug deal gone bad. Who
19 is "we"?

20 MR. WILLIAMS: After they read it, the first thing
21 they said was, It had to be drugs.

22 I said, Well, yeah, it probably was because he was
23 messing with Terry. And so I introduced Terry name into a
24 statement.

25 MS. MATOIAN: Okay. All right. And you remember

1 doing two handwritten statements?

2 MR. WILLIAMS: That's all I can remember. I
3 believe I did another one, I'm not sure.

4 MS. MATOIAN: Let's see. So this is Exhibit 1.
5 And this appears to be -- and just time-wise -- the first
6 handwritten statement you gave because it's 1249 on 12/19.

7 (Exhibit Number 1 was introduced.)

8 MR. WILLIAMS: Uh-huh.

9 MS. MATOIAN: And it's marked 398 through 403.
10 What I'm going to have you do -- well, first, read it. Is
11 that your handwriting?

12 MR. WILLIAMS: I'm sure it was mine.

13 (Pause.)

14 MR. WILLIAMS: This.

15 MS. MATOIAN: That's your handwriting?

16 MR. WILLIAMS: Uh-huh.

17 MS. MATOIAN: Okay.

18 MR. WILLIAMS: Do you want me to mark anything
19 with this?

20 MS. MATOIAN: Are you seeing anything on there
21 that you do not recall telling the police? Because this is
22 your handwriting you said.

23 MR. WILLIAMS: Uh-huh. No. I'm all right with
24 that. That's my handwriting.

25 MS. MATOIAN: Okay. All right. So do you now

1 recall naming someone else named Gadget?

2 MR. WILLIAMS: Yes. Yeah.

3 MS. MATOIAN: Okay. Who's Gadget?

4 MR. WILLIAMS: It was a made-up name.

5 MS. MATOIAN: It was a made-up name?

6 MR. WILLIAMS: Yes.

7 MS. MATOIAN: Why did you make up that name?

8 MR. WILLIAMS: Because when I first -- when they
9 first talked about the murder of her, they said it was three
10 people. And I got Sammy into it. I used that name and it
11 was believable to them. That's how they got the indictment.

12 MS. MATOIAN: Okay. So why did you give Sammy
13 Mitchell's name?

14 MR. WILLIAMS: Because he still -- they still had
15 wanted Sammy so bad and he was the only one that probably
16 would be my way out of everything.

17 MS. MATOIAN: Who told you he was your only way
18 out of everything?

19 MR. WILLIAMS: From my -- from my gathering of
20 what was going on in the other case, they still didn't
21 believe quite everything. And when I put him in this one,
22 they had believed it. But they shouldn't have because it
23 was things that they should know he couldn't have done and
24 was involved in that.

25 MS. MATOIAN: Why should they have known he

1 couldn't have been involved?

2 MR. WILLIAMS: Because (inaudible) Sammy, he will
3 not break in a house. He's, you know, breaking in anything.
4 He'll talk junk or something like that, but he won't -- he
5 won't break in a house. And he still was the most wanted
6 person by the DA at the time to get off the street.

7 MS. MATOIAN: And why did you name Terry Smith?

8 MR. WILLIAMS: He was -- he was a drug dealer and
9 I know he knew the family.

10 MS. MATOIAN: Okay.

11 MR. WILLIAMS: It's the mess I created.

12 MS. MATOIAN: And did you know of Terry Smith to
13 have someone named Gadget who worked for him?

14 MR. WILLIAMS: No. There was a Gadget, but he
15 didn't work for him. He's just --

16 MS. MATOIAN: Who is Gadget?

17 MR. WILLIAMS: He's just a person that hang around
18 in the neighborhood. He wasn't -- he was a nobody.

19 MS. MATOIAN: Did you dislike Gadget?

20 MR. WILLIAMS: No. He was all right. He would do
21 crazy stuff, but not that.

22 MS. MATOIAN: What do you mean by "crazy stuff"?

23 MR. WILLIAMS: He -- he'd fight or jump on people
24 like that, but he would never break in anything. I've never
25 known him to rob. But he would -- he would steal things,

1 but he wouldn't break in to get it. You know, he just --
2 you couldn't leave nothing out; he'd move it.

3 MS. MATOIAN: And do you remember ever telling --
4 looking at pictures and telling someone you knew who Gadget
5 was? Do you remember identifying him?

6 MR. WILLIAMS: Uh-uh. I didn't identify nobody in
7 the -- in this case at all. They came to -- they didn't
8 show me any -- they showed me pictures, but when I went to
9 CP, they brought a book of photos and tried to get me to
10 identify a bunch of people.

11 MS. MATOIAN: When was that?

12 MR. WILLIAMS: I went to CP in '96. No, I went to
13 CP right after the trial. I think it was probably about
14 '97.

15 MS. MATOIAN: You were tried in '87.

16 MR. WILLIAMS: '87.

17 MS. MATOIAN: So '87 or '97?

18 MR. WILLIAMS: '87.

19 MS. MATOIAN: Okay.

20 MR. WILLIAMS: '87. They brought a bunch of
21 pictures up for me to identify, asked me if I knew anyone.

22 MS. MATOIAN: After you had been convicted?

23 MR. WILLIAMS: Uh-huh.

24 MS. MATOIAN: Okay. Did they -- and it was
25 Winston-Salem Police Department?

1 MR. WILLIAMS: Uh-huh.

2 MS. MATOIAN: Did they tell you why they wanted
3 you to look through pictures?

4 MR. WILLIAMS: Yeah. They told me they wanted to
5 see -- they wanted me to name my accomplice --

6 MS. MATOIAN: Okay.

7 MR. WILLIAMS: -- to the murder. And I didn't
8 know anybody in the pictures.

9 MS. MATOIAN: Okay. Do you remember -- other than
10 that first time you said you went to the victim's house, do
11 you remember doing anything else?

12 MR. WILLIAMS: No.

13 MS. MATOIAN: Like on that first day, on April
14 18th.

15 MR. WILLIAMS: No.

16 MS. TANNER: I just want to clarify. When you use
17 the name Gadget, was that a made-up name or did it apply to
18 someone?

19 MS. MATOIAN: It's a person's that, but I
20 didn't -- I just put that name in there. I wasn't trying to
21 name him.

22 MS. TANNER: Okay.

23 MS. MATOIAN: I wasn't.

24 MS. TANNER: And you --

25 MS. MATOIAN: But you gave them his name knowing

1 that there's a guy on the street named Gadget --

2 MR. WILLIAMS: Yeah.

3 MS. MATOIAN: -- so you know the police could go
4 pick up someone who is known on the street named Gadget,
5 right?

6 MR. WILLIAMS: Yeah. But they wouldn't have
7 picked Gadget up.

8 MS. MATOIAN: Why wouldn't they have picked Gadget
9 up?

10 MR. WILLIAMS: Because he -- where he live at,
11 it's not near close where that happened at, not even close.
12 He lived a long ways from there.

13 MS. TANNER: Also you implicated Sammy Mitchell in
14 this.

15 MR. WILLIAMS: Uh-huh.

16 MS. TANNER: And originally when you were talking
17 to Catee, you said you mentioned Darryl Hunt. Did you
18 implicate Darryl Hunt in this crime?

19 MR. WILLIAMS: I started to, but it didn't -- I
20 don't think they included in it --

21 MS. TANNER: Why?

22 MR. WILLIAMS: -- put him in it. I don't know.

23 MS. TANNER: So you started to, but who didn't put
24 it in -- who didn't put it in?

25 MR. WILLIAMS: I don't think the police put him in

1 that --

2 MS. TANNER: Okay.

3 MR. WILLIAMS: -- in the report.

4 MS. TANNER: And you don't know why that was?

5 MR. WILLIAMS: No.

6 MS. TANNER: Were there any discussions with you
7 about the implication of Darryl Hunt in the Bryson case?

8 MR. WILLIAMS: Uh-uh.

9 MS. TANNER: Okay.

10 MS. MATOIAN: Do you remember taking the police
11 anywhere that night, the first time you were giving
12 statements?

13 MR. WILLIAMS: No. I remember them going --
14 they're going places and I'd take them places.

15 MS. MATOIAN: All right. Where did you go?

16 MR. WILLIAMS: The only place I remember going is
17 to Bryson's house.

18 MS. MATOIAN: Okay. Do you remember taking them
19 to a house that you said Terry Smith owned on Dunleith?

20 MR. WILLIAMS: No.

21 MS. MATOIAN: You didn't take the police from a
22 house Terry Smith had on Dunleith and then took them the
23 route you took to Ms. Bryson's house?

24 MR. WILLIAMS: No. I know they went to a house on
25 Dunleith, but I didn't tell them to go there.

1 MS. MATOIAN: You knew that Terry Smith had a
2 house on Dunleith?

3 MR. WILLIAMS: Yeah, I know, but I didn't -- I
4 didn't tell them to go there.

5 MS. MATOIAN: You didn't tell them to go there?

6 MR. WILLIAMS: No.

7 MS. MATOIAN: So if they put in a report that they
8 started at Terry Smith's house and drove to the victim's
9 house, that wouldn't be true?

10 MR. WILLIAMS: No, I don't know the person going
11 to that -- to Dunleith, but we went -- we went on Dunleith
12 and then we -- we went -- start driving. We end up at --
13 that house Ms. Bryson had.

14 MS. MATOIAN: All right. I'm going to show you
15 57.

16 (Exhibit Number 57 was introduced.)

17 MS. MATOIAN: This is another report from the
18 Winston-Salem Police Department from 4/18, which is the
19 first day you start giving statements about the Bryson case.

20 I'm going to have you look on the second page,
21 which is -- so 57 goes from 513 to 516. I'm going to have
22 you look at 514 and start on the second paragraph right
23 there.

24 MS. TANNER: (Inaudible.)

25 MS. MATOIAN: That's all right. It's not as

1 organized as I have it in my head.

2 MS. TANNER: That's okay.

3 MS. MATOIAN: I'm going to do it this way.

4 MS. TANNER: (Inaudible.)

5 MS. MATOIAN: Thank you.

6 (Pause.)

7 (Inaudible conversation held off the record.)

8 MS. MATOIAN: If you're back on the first page --
9 we should just do this now, do what we've done before. I
10 know you're saying you didn't tell the truth in this, so I'm
11 not asking whether or not this is the truth. I'm asking for
12 you to highlight anything that you do not recall telling or
13 doing with the police in -- what's that, Number 57 -- in
14 Number 57.

15 MR. WILLIAMS: 57.

16 MS. MATOIAN: So if you want to start at the
17 beginning.

18 (Pause.)

19 MS. MATOIAN: Take this back from you for just one
20 second.

21 (Inaudible conversation off the record.)

22 MR. WILLIAMS: I'm surprised you got in with the
23 (inaudible), but (inaudible). They make me take the paper
24 out and leave the binder and box up there.

25 MS. MATOIAN: That would have made me cry because

1 I know I would have dropped it.

2 MS. BOYER: Maybe we irritated them enough that
3 they just didn't want to deal with three crazy women.

4 MR. WILLIAMS: Probably because they're scared of
5 those two.

6 MS. BOYER: Yeah. They don't give a shit about
7 me.

8 MR. WILLIAMS: They're scared of those two, for
9 real. Any attorneys that come out of Raleigh they're scared
10 of.

11 MS. MATOIAN: Really?

12 MS. BOYER: Well, the guard was saying that --

13 MR. WILLIAMS: They're scared of them.

14 MS. BOYER: The guard was saying that, you know,
15 you guys are one of the innocence clinics that helped get
16 someone out of here not too long ago.

17 MS. MATOIAN: I wonder who it was.

18 MS. BOYER: Yeah. 'Cause the guard up front when
19 I was walking in --

20 MR. WILLIAMS: With you, when you came in the
21 other time with someone --

22 MS. TANNER: With Lindsey?

23 MR. WILLIAMS: -- and we was back there. Yeah.

24 MS. TANNER: Just to collect DNA.

25 MR. WILLIAMS: Yeah.

1 MS. MATOIAN: Yeah. I don't -- I can't --

2 MS. BOYER: Yeah. The blonde up front was asking
3 me about, So what are you with? I said, I'm a private
4 attorney in Winston-Salem. Generally speaking, if you're
5 charged with knocking people off, I'm your man. And she
6 just kind of looked at me, and she goes, Based on who those
7 people are. Someone said you were with the innocence
8 something. And oh, my, God, do you know one those groups
9 got some guy out of here not long ago? Can you believe the
10 stuff that they do?

11 MS. MATOIAN: Yeah.

12 MS. BOYER: I wonder. That was their moment of
13 gossip.

14 MS. MATOIAN: I haven't heard of anyone getting
15 out in the past year. But some of them just don't get any
16 media attention. So if I don't --

17 MS. BOYER: (Inaudible.)

18 MS. MATOIAN: (Inaudible) right.

19 MS. BOYER: Based on the county of conviction.

20 MS. MATOIAN: Okay. All right. So let's go over
21 what you've highlighted.

22 MR. WILLIAMS: I don't know how that would work.

23 MS. MATOIAN: All right. So on 514 you -- at the
24 bottom -- and these are things you've highlighted that you
25 don't remember doing, correct?

1 MR. WILLIAMS: Right.

2 MS. MATOIAN: It says: "Drayton specifically
3 pointed out the back door at the residence and stated that
4 that was the door he had exited from that night."

5 MR. WILLIAMS: Yes.

6 MS. MATOIAN: Okay. So up here, you remember --

7 MR. WILLIAMS: Making all those statements, yes.

8 MS. MATOIAN: Okay. So it says: "Since Merritt
9 Drayton was familiar with Terry Smith's residence on
10 Patterson Avenue near the 27th Street, it was decided that
11 this would be the location where Merritt Drayton would start
12 from in telling us which route to take to the house on
13 Gilmer Avenue. Merritt Drayton indicated that he remembered
14 turning off Patterson Avenue onto a one-way street when they
15 went to the residence on that night in Gilmer Avenue."

16 Do you remember taking them from Terry Smith's
17 house to Gilmer Avenue?

18 MR. WILLIAMS: No.

19 MS. MATOIAN: Okay.

20 MR. WILLIAMS: And that's probably one I should
21 have marked, too, because I don't remember taking them
22 there.

23 MS. MATOIAN: I mean if you remember it, that's
24 fine --

25 MR. WILLIAMS: No, I don't --

1 MS. MATOIAN: -- but it --

2 MR. WILLIAMS: -- remember --

3 MS. MATOIAN: Right.

4 MR. WILLIAMS: -- going from there.

5 MS. MATOIAN: Okay.

6 MR. WILLIAMS: Because actually, the street that
7 they went on -- she stayed on, there's a street that you
8 have to actually be, one, a person that really live on that
9 street to remember that street.

10 MS. MATOIAN: Okay. That's up towards the top
11 there.

12 (Pause.)

13 MR. WILLIAMS: (Inaudible.)

14 MS. MATOIAN: All right. Okay. So going back.
15 So now what we have highlighted on page 514 --

16 MR. WILLIAMS: It's correct.

17 MS. MATOIAN: -- is: "Since Merritt Drayton was
18 familiar with Terry Smith's residence on Patterson Avenue
19 near 27th Street, it was decided that this would be the
20 location where Merritt Drayton would start from in telling
21 us which route to take on Gilmer Avenue. Merritt Drayton
22 indicated that he remembered turning off Patterson Avenue
23 onto a one-way street when they went to the residence on
24 that night on Gilmer Avenue. Once we reached that location,
25 Merritt Drayton directed us towards 28th Street where he

1 told us to make a left-hand turn. Once we reached Gilmer
2 Avenue, we were once again told to make a left-hand turn."

3 And then you've highlighted just this part that
4 says "until we reached the area near the Bryson residence."

5 MR. WILLIAMS: Uh-huh.

6 MS. MATOIAN: And then it goes on:

7 "At this time Merritt Drayton recognized something
8 very familiar about the Bryson residence. He remembered the
9 porch and the front door that had glass panes in it.
10 Drayton then told us to pull up into the gravel driveway at
11 the residence. Drayton specifically pointed out the
12 backdoor of the residence and stated that that was the door
13 he that exited from on that night."

14 Okay. Did you tell them "That must be the
15 clothesline I hit on that night"?

16 MR. WILLIAMS: That's -- you wanted me to mark
17 that one. I didn't -- I didn't read through it.

18 MS. MATOIAN: Oh, sorry. You only looked at that
19 page?

20 MR. WILLIAMS: Yeah. The front page of it.

21 MS. MATOIAN: Let's see. Yeah. It's not much
22 left. It's just that page and a half. And I'd just mark --
23 -- ask anything that you don't recall telling the police on
24 that one as well.

25 MR. WILLIAMS: That was close.

1 MS. TANNER: How did you know that was her house?

2 MR. WILLIAMS: Actually, I didn't. They were
3 talking to me the whole time we were going. And they said
4 We're going to go to her house and see if you recognize
5 anything. And they just pulled right up in the driveway and
6 just, they just drove right straight into the backyard.
7 They didn't even stop --

8 MS. TANNER: And so you --

9 MR. WILLIAMS: -- or slow down.

10 MS. MATOIAN: That is the only time you remember
11 them going to her house --

12 MR. WILLIAMS: Uh-huh.

13 MS. MATOIAN: -- this wasn't like two trips?

14 Do you remember doing this driving from an area on
15 Patterson Avenue to the victim's house --

16 MR. WILLIAMS: Uh-uh.

17 MS. MATOIAN: -- at all?

18 MR. WILLIAMS: Uh-uh. In fact, Gilmer Avenue,
19 that's probably the single time in my whole life I've ever
20 been on there since I've been in Winston-Salem.

21 MS. MATOIAN: Okay. How did you know who Jeffrey
22 Bryson was? I'm sorry I'm interrupting you. How did you
23 know who Jeffrey Bryson was?

24 MR. WILLIAMS: Besides people in the neighborhood
25 knowing him, people knew he was a lawyer and always talked

1 about him.

2 MS. MATOIAN: Okay. So did they know who his mom
3 was then?

4 MR. WILLIAMS: Yeah. Everybody knew who his mom
5 was.

6 MS. MATOIAN: Okay. So you knew who Ms. Bryson
7 was?

8 MR. WILLIAMS: I knew her not, you know not mean
9 like personally.

10 MS. MATOIAN: Right.

11 MR. WILLIAMS: Everyone knew who she was --

12 MS. MATOIAN: Okay.

13 MR. WILLIAMS: -- his mother was.

14 MS. MATOIAN: Did you know where she lived?

15 MR. WILLIAMS: No.

16 MS. MATOIAN: Okay.

17 (Pause.)

18 MR. WILLIAMS: Now, some of these things on here
19 were suggestive type.

20 MS. MATOIAN: Okay. Tell me what you mean by
21 that.

22 MR. WILLIAMS: Like do you remember hitting your
23 head on something?

24 MS. MATOIAN: Okay.

25 MR. WILLIAMS: When we were in the car. And, yes,

1 I can remember that. I can use that because we're in the
2 car and we're looking at a clothesline and a fence. It's
3 not that they're asking me this away from doing the
4 statement. They're asking me while we're in the car, Do you
5 remember hitting your head on something?

6 MS. MATOIAN: Okay. So if you -- if you're saying
7 that was suggested to you and you decided to use that, then
8 you don't need to highlight those parts because then you
9 told them that. I'm only asking you to highlight things you
10 don't remember telling them or don't remember happening.

11 MR. WILLIAMS: Okay. Then I'm going to have to
12 highlight more than this.

13 MS. MATOIAN: So you don't need to highlight
14 anything else on that.

15 MR. WILLIAMS: No.

16 MS. MATOIAN: Okay. And then I just want you
17 to -- this last little part here has to do with your
18 toboggan. So I just want you to read that page, that bottom
19 part going on to the next page.

20 (Pause.)

21 MS. MATOIAN: That (inaudible) because people keep
22 coming in and out of it.

23 MR. WILLIAMS: There's a whole lot going on today.

24 MS. MATOIAN: Oh, is there?

25 (Pause.)

1 (Inaudible conversation off the record.)

2 MR. WILLIAMS: There's most -- most part was
3 suggestive --

4 MS. MATOIAN: Okay.

5 MR. WILLIAMS: -- so I didn't mark them.

6 MS. MATOIAN: Okay. So on page 515 you've
7 highlighted "pointed to a small fence that was in front of
8 the clothesline."

9 MR. WILLIAMS: Uh-huh.

10 MS. MATOIAN: So you're saying you didn't point --

11 MR. WILLIAMS: Uh-huh.

12 MS. MATOIAN: -- but you did tell them that that
13 must have been the object --

14 MR. WILLIAMS: Uh-huh.

15 MS. MATOIAN: -- you had to jump and you remember
16 striking his head on a clothesline?

17 MR. WILLIAMS: Yeah.

18 MS. MATOIAN: Okay. And that you did highlight
19 "He said that must be the clothesline I hit on that night."

20 MR. WILLIAMS: Uh-huh, yes.

21 MS. MATOIAN: Okay. And then your second
22 statement that you gave to police that night, what was the
23 reason for the second statement?

24 MR. WILLIAMS: They didn't completely like the
25 first one at all.

1 MS. MATOIAN: Okay. Why didn't they like it?

2 MR. WILLIAMS: They didn't say. He just said it
3 didn't -- just didn't fit the crime.

4 MS. MATOIAN: Okay. Did they say what about it
5 didn't fit?

6 MR. WILLIAMS: No.

7 MS. MATOIAN: Okay. All right. All right. So
8 I'm going to hand you back Number 55 because I neglected to
9 do the highlighting thing the first time we looked at it.
10 And it's a little bit lengthy.

11 MR. WILLIAMS: All right.

12 MS. MATOIAN: But it talks about your first and
13 second statements. And I think you can probably start right
14 here on the second page marked 505. The first part is
15 just -- we've already gone over that --

16 MR. WILLIAMS: All right.

17 MS. MATOIAN: -- about you getting in contact with
18 them. But again, I just want to highlight anything that you
19 do not remember telling them.

20 (Pause.)

21 (Inaudible conversation off the record.)

22 MS. MATOIAN: I know this one is long. Do you
23 want to take a break after this page and we'll go over the
24 first couple pages?

25 MR. WILLIAMS: It don't matter.

1 MS. MATOIAN: It's up to you.

2 MR. WILLIAMS: If that's what y'all want.

3 MS. MATOIAN: I think it's the longest, if that's
4 helpful.

5 MR. WILLIAMS: I should have brought my medicine.

6 (Pause.)

7 (Inaudible conversation off the record.)

8 MS. MATOIAN: And I think that's the first page.

9 Okay. No, this one right here is the first page. And I
10 don't think you need to look at that one. Thank you. Okay.
11 Thank you for going through that. I know that was long.

12 All right. So on page 505, what you've
13 highlighted is things you don't remember happening or saying
14 to the police was:

15 "Merritt Drayton went on to say that on the night
16 that they broke into the house on Gilmer Avenue, they were
17 transported to that location by Terry Smith in his black
18 Mercedes" --

19 MR. WILLIAMS: Uh-huh.

20 MS. MATOIAN: -- "which had tinted windows."

21 Do you know if Terry Smith did have a black
22 Mercedes with tinted Windows?

23 MR. WILLIAMS: It wasn't a Mercedes. It was a --
24 he had a Buick and it was, I guess, it was a new one.
25 It's -- I guess at that time you considered it a new one.

1 MS. MATOIAN: Okay.

2 MR. WILLIAMS: But he had so many cars.

3 MS. MATOIAN: Okay.

4 MR. WILLIAMS: He just had a bunch of cars.

5 MS. MATOIAN: "He started that Terry Smith parked
6 up the street from the residence approximately four houses
7 from the house they broke into."

8 So that's what you've highlighted there?

9 MR. WILLIAMS: Uh-huh.

10 MS. MATOIAN: Then down at the bottom of the page
11 it says:

12 "Drayton stated that himself along with Terry
13 Smith went to a bedroom that was on" -- and this is going
14 onto page 506, but you stopped there.

15 So you just don't remember -- or you don't
16 remember telling the police that you went to the bathroom or
17 bedroom with Terry Smith?

18 MR. WILLIAMS: No.

19 MS. MATOIAN: Okay. Then down at the bottom of
20 page 506 you have highlighted:

21 "He went further to say that he saw Gadget holding
22 the lady's hands behind her. Merritt Drayton stated that he
23 had served the two struggling with the lady and he indicated
24 that he did observe her weakening. Drayton stated that at
25 this time Terry told him to go back to the bedroom and

1 continue his searching. He stated that he went back to the
2 bedroom and left Terry Smith, Sammy Mitchell, and Gadget
3 with the lady."

4 MR. WILLIAMS: There's a problem, why I
5 highlighted that, if you turn it back over --

6 MS. MATOIAN: Uh-huh.

7 MR. WILLIAMS: -- they change the statements.
8 Because in my written statements, I held her wrists while
9 somebody was choking her. That statement disappeared.

10 MS. MATOIAN: Okay. So going on to page 507,
11 towards the middle of the page you have highlighted:

12 "While talking about the TV set, Merritt Drayton
13 said that Terry became hysterical and said, Let's go. At
14 this point Merritt Drayton stated that he went towards the
15 front door of the residence from the hallway and he observed
16 Sammy Mitchell in the living room. He said that when he saw
17 Sammy Mitchell, Sammy Mitchell asked him for one of the two
18 toboggans that he was wearing."

19 Do you remember saying that?

20 MR. WILLIAMS: No. I don't wear two toboggans. I
21 never have.

22 MS. MATOIAN: But you told -- in your handwritten
23 statements --

24 MR. WILLIAMS: Yeah, it was in there.

25 MS. MATOIAN: -- it says that you tell them that?

1 MR. WILLIAMS: Yeah. That's what they said.

2 MS. MATOIAN: Why did you tell them that?

3 MR. WILLIAMS: That's what they said I told them.

4 I don't -- I don't wear two at no time.

5 MS. MATOIAN: Okay. Did you have two?

6 MR. WILLIAMS: No.

7 MS. MATOIAN: Okay.

8 MR. WILLIAMS: No.

9 MS. MATOIAN: Do you remember telling the police
10 about the one you had in the jail with you?

11 MR. WILLIAMS: Yeah. Because they came for that
12 one in jail. They said they wanted see it. They came and
13 seen it first, but he didn't get it. The first time he
14 came, he didn't get it. They came back and he got it.

15 MS. MATOIAN: Okay. All right. So going down on
16 507:

17 "While leaving the residence, Drayton stated that
18 he saw some headlights in the driveway and he ran in the
19 direction of a one-way street which he pointed out to us
20 being 27th Street."

21 You don't remember pointing out 27th Street?

22 MR. WILLIAMS: No.

23 MS. MATOIAN: And you highlighted here:

24 "After Drayton pointed out the residence to
25 Detective Freeland and Detective Dorn."

1 You don't remember pointing out the victim's house
2 to them?

3 MR. WILLIAMS: No. Never did.

4 MS. MATOIAN: All right. So going on to 508, you
5 have highlighted:

6 "Drayton went on to say that when he was running
7 from the residence that he remembered passing an old white
8 garage."

9 Do you know if there was a garage in that area?

10 MR. WILLIAMS: No.

11 MS. MATOIAN: Okay. And then you have
12 highlighted:

13 "Drayton stated that he came out to a one-way
14 street and stood by a telephone pole that had a caution sign
15 for the next street which he indicated was Patterson Avenue.
16 He stated that he had gone out into the street and that he
17 saw a car that Gadget was driving and that Gadget hollered
18 at him as he approached him. Drayton stated that as Gadget
19 got along side of him, he jumped through an open window
20 behind the driver. Drayton stated that he remembered the
21 car being a Buick, but he could not remember the color of
22 the vehicle. Drayton stated that he first observed this car
23 on 27th Street. Drayton went on to say that as they were
24 pulling away from that location, a car came up from behind
25 and it appeared that the car followed them for a couple of

1 blocks. After losing the car, he stated that Gadget then
2 took him to Terry Smith's house on Patterson Avenue and
3 dropped him off. He stated then a conversation took place
4 between Terry and Gadget, and Gadget left in the lady's car.
5 Merritt stated that Terry then took himself and Sammy
6 Mitchell back to east Winston. The only thing Drayton could
7 add further was that after the woman had entered the
8 residence on Gilmer Avenue and the struggle took place in
9 the living room, they stayed approximately 15 minutes before
10 leaving."

11 So none of that --

12 MR. WILLIAMS: No.

13 MS. MATOIAN: -- is what you told the police?

14 MR. WILLIAMS: No.

15 MS. MATOIAN: Do you remember police telling you
16 any details like that?

17 MR. WILLIAMS: I remember them -- they actually
18 talked about being in the house because they asked me what
19 was moved in the house, what room I went in. He said, Did
20 you go in the bedroom; did you go through the drawers and
21 stuff like that.

22 MS. MATOIAN: All right. So going on to page 509,
23 it says:

24 "In talking further to Merritt Drayton and
25 reviewing the facts that have been stipulated in the

1 statement, Merritt Drayton indicated that he needed to add
2 something to the statement and clarify a few points. To
3 include these points, another statement was taken from
4 Merritt Drayton. We refer to this as statement number 2 and
5 it included the following facts."

6 So you don't -- you don't recall telling police
7 that your first statement wasn't right and you needed to
8 clarify a few things?

9 MR. WILLIAMS: Uh-uh. They asked me a question --
10 they didn't feel it was right. And they came back and start
11 asking this can't be right; this must not be right. And
12 that's when all those changes start being made.

13 MS. MATOIAN: Okay. Do remember anything specific
14 they told you couldn't be right?

15 MR. WILLIAMS: No. The one thing I do remember in
16 that state -- my statement, I know for a fact in one and two
17 is that I held her hands --

18 MS. MATOIAN: Okay.

19 MR. WILLIAMS: -- watching them struggle her and
20 that's nowhere to be found.

21 MS. MATOIAN: Okay. So continuing on 509:

22 "Merritt Drayton stated that he did not remember
23 if he actually heard gravel as the car drove up, therefore
24 that point was omitted in statement number 2. He did say
25 that he did remember the car driving up and hearing a car

1 door slam."

2 That didn't happen?

3 MR. WILLIAMS: No. Because those things were
4 changed in their favor.

5 MS. MATOIAN: Okay.

6 MR. WILLIAMS: Not mine.

7 MS. MATOIAN: And that you have highlighted:

8 "Merritt Drayton stated that he did observe the
9 lady drop to her knees before he was told by Terry Smith to
10 return to the front bedroom and continue searching. A point
11 that Merritt Drayton clarified in his second statement was
12 as they left the residence on Gilmer Avenue by the rear
13 door, he went to the back porch where he saw two lampshades
14 that he wanted."

15 How did the lampshades come up?

16 MR. WILLIAMS: They just said you must -- had to
17 take something. But those lampshades were the same -- they
18 were already at our house, our residence on 9th Street.

19 MS. MATOIAN: But who first used the word
20 lampshades?

21 MR. WILLIAMS: They asked me did I take something
22 off the back porch. And I said, No, not that I know. They
23 said, Something, something you use in the house. And I
24 thought about the lampshade that was on 9th Street.
25 And they -- that -- they went and got that, said, Okay. But

1 they weren't good enough, believe me. They weren't
2 lampshades. If you seen them, they were between, I guess --
3 they weren't lampshades, put it that way. They weren't at
4 all. They classified them as lampshades. If they've still
5 got them --

6 MS. MATOIAN: What were they?

7 MR. WILLIAMS: They were similar to a lampshade.
8 If you seen them, you'll know that -- no. If they still got
9 them.

10 MS. MATOIAN: But you just mean they were like in
11 such bad shape that you couldn't consider them lampshades,
12 is that what you mean?

13 MR. WILLIAMS: Yeah.

14 MS. MATOIAN: Okay.

15 MR. WILLIAMS: But they use it as that, but it was
16 not even close.

17 MS. MATOIAN: But you're saying that the
18 lampshades came about because the police told you that you
19 had to have taken something --

20 MR. WILLIAMS: They said something was missing.

21 MS. MATOIAN: -- and you thought of these
22 lampshades that you had in your house and you --

23 MR. WILLIAMS: The were on the back porch at my
24 house.

25 MS. MATOIAN: They were on the back porch at your

1 house?

2 MR. WILLIAMS: Back porch, yeah.

3 MS. MATOIAN: And you were saying --

4 MR. WILLIAMS: They weren't --

5 MS. MATOIAN: You must have taken something from
6 the back porch of the victim?

7 MR. WILLIAMS: Uh-huh. Yes.

8 MS. MATOIAN: Okay. So you named something --

9 MR. WILLIAMS: Uh-huh.

10 MS. MATOIAN: -- that you knew you had in your
11 house?

12 MR. WILLIAMS: Yeah. And they -- they went to the
13 house and got them. And if you seen them, you would say
14 there's no way.

15 MS. MATOIAN: Okay. All right. So then you go on
16 and highlight:

17 "He then stated he went to the north side of the
18 residence and observed Terry Smith and Sammy Mitchell
19 heading in the direction of where they had parked Terry
20 Smith's car prior to going into the residence. A few
21 minutes later, he stated that Terry Smith pulled his vehicle
22 into the driveway into the back of the residence on Gilmer
23 Avenue" -- this is going on to page 510 -- "with the front
24 end of the vehicle facing the back of the yard. Merritt
25 Drayton then stated that Sammy Mitchell took the lampshades

1 that he wanted and placed them in the trunk of the vehicle
2 and he left them at that location. He stated that when they
3 left that location, Sammy Mitchell was on the back porch of
4 the residence. In a second statement Merritt Drayton
5 advises that Gadget informed him that the reason he took the
6 car was that it needed to be searched."

7 You never told them --

8 MR. WILLIAMS: No.

9 MS. MATOIAN: -- that?

10 MR. WILLIAMS: I never seen a car until after the
11 statements I was the headquarters, police headquarters, and
12 they brought in a photo of the car.

13 MS. MATOIAN: Okay.

14 MR. WILLIAMS: That was on a street. I can't
15 remember the street. I don't know if it was close to her
16 house or where it was. It was parked in the street.

17 MS. MATOIAN: Was that the first time -- how did
18 you find out that the victim's car had been taken?

19 MR. WILLIAMS: They asked me what did we do with
20 the -- what did we do with a car.

21 MS. MATOIAN: Okay.

22 MR. WILLIAMS: And that's I know it was taken.

23 MS. MATOIAN: So when you saw the picture of the
24 car at headquarters, did you change anything about your
25 statement based on the picture of the car?

1 MR. WILLIAMS: Yeah. The name of the car --

2 MS. MATOIAN: Okay.

3 MR. WILLIAMS: -- was changed because I could see
4 in the photo it was -- it was a Buick.

5 MS. MATOIAN: Okay.

6 MR. WILLIAMS: If you look at the photo that was
7 taken, I guess the night they found her vehicle, you can't
8 jump through the window. All the windows were wound
9 completely up. They had left that out. So they just
10 used -- they just filled in what they could and all I had to
11 do was initial it --

12 MS. MATOIAN: Okay.

13 MR. WILLIAMS: -- once it got filled in.

14 MS. MATOIAN: All right. So then on 510 you go on
15 to highlight -- and these are additional facts that were in
16 statement 2, not in statement 1. You highlighted was that:

17 "Terry Smith paid him \$80 for his help in this
18 break-in. Drayton said that he saw Sammy Mitchell and
19 Gadget also get paid for helping Terry Smith, however he did
20 not know how much they had received. The only additional
21 information was that when Terry Smith took Drayton and Sammy
22 Mitchell to east Winston and let them out, Merritt stated
23 that he got the lampshades out of Terry Smith's vehicle."

24 So that didn't --

25 MR. WILLIAMS: No.

1 MS. MATOIAN: -- you didn't tell police about
2 that? Okay. All right. So that's it for that one.

3 All right. So do you remember those -- the first
4 statements that you're giving -- there's two of them and
5 you're giving them kind of the evening of April 18th going
6 on into April 19th.

7 MR. WILLIAMS: Uh-huh.

8 MS. MATOIAN: What happened on April 19th after
9 you gave that second statement?

10 MR. WILLIAMS: We got a chance to look at the car
11 in the pictures.

12 MS. MATOIAN: Okay.

13 MR. WILLIAMS: And we sat down and they had both
14 statements out. And that's when we started moving things
15 around in the statements.

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: At first -- I don't know because I
18 know I made more than one -- more than two statements 'cause
19 my first statement had me as holding her wrists.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: Somehow that statement disappeared
22 and never returned. But it got Gadget name. My name is
23 supposed to have been there because I'm the one that said I
24 hold her hands.

25 MS. MATOIAN: So --

1 MR. WILLIAMS: So I don't know how Gadget name got
2 in there.

3 MS. MATOIAN: -- going back to this number 1 that
4 we've looked at --

5 MR. WILLIAMS: Whew, I'm tired.

6 MS. MATOIAN: Do you need a break?

7 MR. WILLIAMS: No. Just keep on going.

8 MS. BOYER: Well, you're doing better than me
9 energy-wise and you have at least a couple of years on me.

10 MR. WILLIAMS: I slept for about, I guess,
11 45 minutes. They wake us up at 5:00 to count and --

12 MS. MATOIAN: Okay. So down -- sorry. Go ahead.

13 MR. WILLIAMS: I was still up.

14 MS. MATOIAN: Wow.

15 MS. BOYER: Yeah.

16 MR. WILLIAMS: I just popped my eyes back open.

17 MS. MATOIAN: So on this first statement, that
18 first handwritten statement -- I'm sorry. This is the
19 second version.

20 So on page 399, you can tell from the time where
21 it says 235 --

22 MR. WILLIAMS: Uh-huh.

23 MS. MATOIAN: -- it says:

24 "I saw Sammy with his hand around the lady's neck.
25 He had an object, looked like a rope around" --

1 MR. WILLIAMS: Uh-huh.

2 MS. MATOIAN: -- "the lady neck. Gadget was
3 holding the lady from behind. He had her hands."

4 That was supposed to be you --

5 MR. WILLIAMS: Uh-huh.

6 MS. MATOIAN: -- in the first statement?

7 MR. WILLIAMS: And that --

8 MS. MATOIAN: Why did they say that it couldn't be
9 you?

10 MR. WILLIAMS: I don't know because I know that
11 ain't right because I told them it was me.

12 MS. MATOIAN: You told them it was you?

13 MR. WILLIAMS: Yeah.

14 MS. MATOIAN: Okay.

15 MS. BOYER: Sorry.

16 MS. MATOIAN: No, you're fine.

17 MS. BOYER: I just went like that. All your
18 papers flying at you.

19 MS. MATOIAN: All right. And this is going to be
20 50- -- it's going to be -- well, I already -- this is 59.

21 (Exhibit Number 59 was introduced.)

22 MS. MATOIAN: I'm not going to ask you to go
23 through the whole thing. This is -- so you can tell the
24 difference in your handwritten statements by the time stamps
25 on the bottom.

1 MR. WILLIAMS: Uh-huh.

2 MS. MATOIAN: Both -- the first page, it starts at
3 49 -- and this version, the second page is going on -- say
4 235. This one says 49 through the whole thing on the
5 bottom.

6 MR. WILLIAMS: Uh-huh.

7 MS. MATOIAN: So this is the first version you
8 gave. This is the second version.

9 MR. WILLIAMS: Second version.

10 MS. MATOIAN: So in this version, on page 405, it
11 says:

12 "I saw Sammy with his hand around the lady neck.
13 He had an object, looked like a rope around the lady neck.
14 Gadget was holding the lady from behind. He had her hands."

15 So on both these versions, it says Sammy is
16 choking her --

17 MR. WILLIAMS: Yeah.

18 MS. MATOIAN: -- and Gadget is standing behind
19 her?

20 MR. WILLIAMS: Yeah.

21 MS. MATOIAN: And you're saying that the first
22 thing that you told them was that you had done it --

23 MR. WILLIAMS: Uh-huh.

24 MS. MATOIAN: -- that you were holding her hands?

25 MR. WILLIAMS: Uh-huh.

1 MS. MATOIAN: Okay. And why did they say that it
2 couldn't have been you holding her hands?

3 MR. WILLIAMS: I don't know. They just changed
4 it. 'Cause the statement just disappeared because I told
5 them I was holding her hands and I let it go after she fell.

6 MS. MATOIAN: Okay.

7 MR. WILLIAMS: And that's not in there.

8 MS. MATOIAN: Do you remember telling the police
9 that you were scared for yours and Mattie Mae's safety on
10 April 19th?

11 MR. WILLIAMS: No. My safety more or less had --

12 MS. MATOIAN: I'm going to show you Number 58.

13 (Exhibit Number 58 was introduced.)

14 MS. MATOIAN: And I want you to look up at this
15 top part right here and tell me if you think that's your
16 handwriting.

17 MR. WILLIAMS: Yes. I just don't remember doing
18 this though.

19 MS. MATOIAN: Okay. Do you remember anybody
20 threatening you?

21 MR. WILLIAMS: No.

22 MS. MATOIAN: Okay. Any reason you were concerned
23 for your safety or Mattie Mae's safety?

24 MR. WILLIAMS: Probably mine more so --

25 MS. MATOIAN: Okay.

1 MR. WILLIAMS: -- because the fact that Terry
2 Smith name is mentioned in the whole thing.

3 MS. MATOIAN: Okay. Was Terry Smith a scary dude
4 at that particular point in time?

5 MR. WILLIAMS: Yeah. Because he was considered
6 the largest drug dealer in that -- in that time in
7 Winston-Salem, Forsyth County really.

8 MS. MATOIAN: So saying that, do you think the
9 police believed you that Terry Smith who is the biggest drug
10 dealer in Forsyth County is coming with you to break into an
11 old lady's house?

12 MR. WILLIAMS: I can't answer that, but -- put it
13 this way, no, they wouldn't believe it. They would believe
14 it only because the fact that one name was called, Sammy
15 name was put in it. It was easy to try to get that both of
16 them easily.

17 MS. MATOIAN: Okay.

18 MR. WILLIAMS: Because they were pests. It would
19 never -- it was never about the murders at all.

20 MS. TANNER: They were what now?

21 MS. MATOIAN: They want -- they were pester -- did
22 you say --

23 MR. WILLIAMS: They were a nuisance to the --

24 MS. MATOIAN: Pests?

25 MR. WILLIAMS: -- to the community.

1 MS. MATOIAN: Okay.

2 MR. WILLIAMS: I hate to say it, it was never
3 about the murders at all.

4 MS. MATOIAN: You -- and I'm not trying to put
5 words in your mouth, so you correct me if I'm wrong. You're
6 saying that you think that what you were saying was not
7 believable, but the police believed it because Sammy
8 Mitchell and Terry Smith were pests and they wanted them
9 gone?

10 MR. WILLIAMS: Yes. They know it wasn't
11 believable because during this time the thing with Darryl in
12 the Forsyth case was blowing up.

13 MS. MATOIAN: Uh-huh.

14 MR. WILLIAMS: And the community had start to get
15 out of hand about how the case was handled. Here is two
16 murders that I had involved myself in that was been solved.
17 And that -- I don't know, you probably don't even have it.
18 It was written someplace. The detectives feel that this was
19 the biggest thing that happened since the Forsyth case. And
20 in doing so --

21 MS. MATOIAN: You're saying there was an article
22 that said that?

23 MR. WILLIAMS: Yes. It was an article -- man, I
24 can't remember where that -- I had some stuff. I threw all
25 that stuff away because we had too much stuff in my locker.

1 Yeah, they do make you throw things away. But a lot of
2 people had believed that. There was talk about that because
3 one murder was old and then you have a new one that had no
4 solving. And during that time -- and it was really rough
5 for the DA's office. He had come on -- he coming up to a
6 campaign, pitting two people against -- getting one DA out
7 because they feel he was crooked.

8 MS. MATOIAN: Okay.

9 MR. WILLIAMS: He felt justified when I did what I
10 did.

11 MS. MATOIAN: Okay.

12 MR. WILLIAMS: And so they went right along with
13 it.

14 MS. MATOIAN: All right. Do you recall taking a
15 polygraph in this case?

16 MR. WILLIAMS: I think I did, but I can't remember
17 for sure. I believe I did take one.

18 MS. MATOIAN: All right. I'm going to have you --
19 this is Exhibit 3 and this is from 4/21/1986. And it's
20 marked 522 to 5- -- I think one of the pages are out of
21 order, so it goes 522 to 521, so 521, 522, 523. Sorry.

22 (Exhibit Number 3 was introduced.)

23 MS. MATOIAN: Okay. So I want you to look at that
24 first paragraph first.

25 MS. BOYER: Sorry. My foot fell asleep and so I

1 had to (inaudible). I thought they were going to get him
2 lunch, but...

3 MS. MATOIAN: Right. It's about that time.

4 MR. WILLIAMS: I'm done with that.

5 MS. MATOIAN: Did you say you can't read that?

6 MR. WILLIAMS: I read it.

7 MS. MATOIAN: Oh, okay. All right. So in there
8 it says that you said that the only thing you weren't
9 truthful about was the lampshades. What did you tell them
10 you lied about when it came to the lampshades?

11 MR. WILLIAMS: Where the lampshades -- got -- got
12 them from.

13 MS. MATOIAN: Okay. And how did that -- why did
14 you tell them that?

15 MR. WILLIAMS: Well, he kept asking me, he said,
16 Did you really get the lampshades from there? And then I
17 said, No.

18 MS. MATOIAN: Okay.

19 MR. WILLIAMS: And then he kept on going.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: And that was it.

22 MS. MATOIAN: All right. So why did you make up
23 this detail about the lampshades?

24 MR. WILLIAMS: It was to actually put myself at
25 that place at the time I needed to be with those statements

1 I make. And they believed it to the fullest.

2 MS. MATOIAN: So you were trying to connect
3 yourself with evidence --

4 MR. WILLIAMS: Uh-huh.

5 MS. MATOIAN: -- to -- okay.

6 All right. And then -- let me find the right page
7 say so you don't have to read the whole thing.

8 All right. I want to look at this fourth
9 paragraph on page 522 about the ID and more photographs. I
10 want you to read that.

11 MS. TANNER: Exhibit 3?

12 MS. MATOIAN: Uh-huh.

13 (Pause.)

14 MR. WILLIAMS: They say it. I don't remember
15 picking anybody out in a lineup.

16 MS. MATOIAN: Who's Anthony Venson?

17 MR. WILLIAMS: That I don't know.

18 MS. MATOIAN: You don't know who he is?

19 MR. WILLIAMS: No. The only Anthony I know has
20 been someone that was locked up one time.

21 MS. MATOIAN: Okay.

22 MR. WILLIAMS: But, no. I don't think --

23 MS. MATOIAN: Did that Anthony have a nickname?

24 MR. WILLIAMS: Not that I know of. I think he
25 lived -- I can't remember where he lived at --

1 MS. MATOIAN: All right.

2 MR. WILLIAMS: -- at the time.

3 MS. MATOIAN: And you were locked up with him
4 when?

5 MR. WILLIAMS: When I was in honor grade.

6 MS. MATOIAN: For the burning?

7 MR. WILLIAMS: Uh-huh.

8 MS. MATOIAN: Okay. And did you know him to have
9 any connection to Terry Smith?

10 MR. WILLIAMS: No.

11 MS. MATOIAN: All right. On page 523 of
12 Exhibit 3, I'm going to have you read that second paragraph
13 that starts on 4/22/86.

14 (Pause.)

15 MR. WILLIAMS: No. He probably was there, but he
16 don't -- his -- he don't have any nicknames. And that
17 person they're talking about, I do know him.

18 MS. MATOIAN: You know Anthony Venson?

19 MR. WILLIAMS: Yeah.

20 MS. MATOIAN: Do you think he's the Anthony you
21 were talking about in prison?

22 MR. WILLIAMS: No.

23 MS. MATOIAN: No?

24 MR. WILLIAMS: No, not Anthony.

25 MS. MATOIAN: That paragraph says they confirmed

1 that you and Mr. Venson were in the Cherry Street Prison at
2 the same time together.

3 MR. WILLIAMS: Prison together, yeah. But I know
4 who that is. He's --

5 MS. MATOIAN: Who's he?

6 MR. WILLIAMS: The thing is, he's about 5 foot
7 even. And he's -- he's not big. But --

8 MS. MATOIAN: And you're talking about Anthony
9 Venson or the Anthony you knew in prison?

10 MR. WILLIAMS: Anthony Venson.

11 MS. MATOIAN: Anthony Venson?

12 MR. WILLIAMS: Yeah. He's a short guy.

13 MS. MATOIAN: Did you know him to go by the
14 nicknames Gadget or Tiny?

15 MR. WILLIAMS: No. Uh-uh. Not him. He always
16 just go by Anthony. Never know a nickname at all.

17 MS. MATOIAN: So I'm going to tell you that
18 Anthony Venson went by the nicknames Gadget and Tiny.
19 Anthony Venson worked for Terry Smith. You and Anthony
20 Venson were in prison together at some point.

21 MR. WILLIAMS: Uh-huh.

22 MS. MATOIAN: And you use his nickname in your
23 first version of the story and Terry Smith. Do you recall
24 any -- doing that on purpose?

25 MR. WILLIAMS: No.

1 MS. MATOIAN: You don't recall any connection --

2 MR. WILLIAMS: No.

3 MS. MATOIAN: -- between -- you did not purposely
4 bring Anthony Venson into this?

5 MR. WILLIAMS: No. Because I never know anybody
6 that actually worked for Terry, period. I never knowed
7 anybody that really worked for him. I just know he had
8 people working in the community, like guys just walking on
9 the corner doing things. But other than that, no. I can
10 tell you that, no.

11 MS. MATOIAN: Did you know where Terry kept his
12 drugs?

13 MR. WILLIAMS: No. Nobody hardly knew that but
14 him. He didn't never show nobody things like that.

15 MS. MATOIAN: Well, where did people go to get his
16 drugs?

17 MR. WILLIAMS: It was all -- well, it just -- I
18 call it -- they called it crack houses.

19 MS. MATOIAN: Okay.

20 MR. WILLIAMS: Any place in east Winston you could
21 pull up on a corner or a house --

22 MS. MATOIAN: And you would have known --

23 MR. WILLIAMS: -- to get you some.

24 MS. MATOIAN: -- where you -- did you know where
25 you could go buy drugs?

1 MR. WILLIAMS: Oh, yeah. Everybody knew.

2 MS. MATOIAN: Okay.

3 MR. WILLIAMS: It was easy, you know, because he
4 had so many houses.

5 MS. MATOIAN: We're going back to this first page.
6 You're saying that you do not recall what's in that bottom
7 paragraph about you looking through the IDMO photographs and
8 picking out Anthony Venson as the person you named as
9 Gadget?

10 MR. WILLIAMS: No.

11 MS. MATOIAN: Okay.

12 MR. WILLIAMS: 'Cause I do not know no Gadget, not
13 like that there.

14 MS. MATOIAN: Go ahead and highlight that for me.

15 MR. WILLIAMS: All right. The whole paragraph or
16 just that part?

17 MS. MATOIAN: Anything that you do not recall.
18 Yeah. I think the Gadget stuff is at the bottom, at the
19 bottom paragraph.

20 MR. WILLIAMS: I might have went too far, but no.

21 MS. MATOIAN: If you think you went too far, you
22 can mark with a pen.

23 MR. WILLIAMS: Okay.

24 MS. MATOIAN: Put stars around what you don't want
25 marked.

1 MR. WILLIAMS: Okay. This to that right there in
2 my interview. That's (inaudible).

3 MS. MATOIAN: All right. So now I want to talk
4 about, for lack of a better word, your second version of the
5 story.

6 MR. WILLIAMS: Uh-huh.

7 MS. MATOIAN: Tell me about Lou or Lieutenant.

8 MR. WILLIAMS: Lieutenant. It was a fictitious
9 name. It was never about -- nobody ever found.

10 MS. MATOIAN: How did you come up with that name?

11 MR. WILLIAMS: That just was a name I picked up
12 from messing around trying to put things together. I
13 actually used it and they put it into the statement. They
14 didn't really do no whole questioning about it, they just
15 added it.

16 MS. MATOIAN: Okay. Why did you back off of the
17 first story with Terry Smith and Sammy Mitchell and Gadget?

18 MR. WILLIAMS: There was a -- what you call -- my
19 lawyers hired a detective, a private investigator or
20 something.

21 MS. MATOIAN: Okay.

22 MR. WILLIAMS: And they went through a whole lot
23 and ruled Terry out.

24 MS. MATOIAN: How did they rule Terry out?

25 MR. WILLIAMS: I don't know. I didn't get to read

1 the report. She came to jail and visit me.

2 MS. MATOIAN: Do you remember her name?

3 MR. WILLIAMS: No.

4 MS. MATOIAN: And so this -- your lawyers hire a
5 PI that's a woman?

6 MR. WILLIAMS: Uh-huh.

7 MS. MATOIAN: She investigates and rules Terry out
8 but --

9 MR. WILLIAMS: And when she -- she went through --
10 she went through just about everything. And then later on,
11 that's why statements were changed.

12 MS. MATOIAN: But you can't recall why she ruled
13 Terry out?

14 MR. WILLIAMS: No.

15 MS. MATOIAN: Can you recall why she ruled Sammy
16 out?

17 MR. WILLIAMS: No. I didn't get to see any of the
18 reports.

19 MS. MATOIAN: Okay.

20 MR. WILLIAMS: It was given to my attorneys. I
21 forgot their name now.

22 MS. MATOIAN: And do you know if they provided
23 that information to the police?

24 MR. WILLIAMS: No, I don't know. I think it was
25 just to my attorney.

1 MS. MATOIAN: Okay. So when you're talking to the
2 police, how does the conversation start where you're saying
3 it wasn't these guys, it was Lou?

4 MR. WILLIAMS: Because they kept saying, Something
5 just not adding up. We'll have to get to the bottom of it.
6 And then it -- it changed it again. The story changed
7 again.

8 MS. MATOIAN: Did they say something to --
9 specific to you that we know it can't be Terry Smith?

10 MR. WILLIAMS: No. They said it was unlikely it
11 would be Terry Smith.

12 MS. MATOIAN: Okay.

13 MR. WILLIAMS: So...

14 MS. MATOIAN: Did they say -- because we've talked
15 about how they wanted Sammy. You said that. Did they say
16 we know it can't be Sammy?

17 MR. WILLIAMS: No. It went all the way up until
18 the trial because --

19 MS. MATOIAN: Sammy Mitchell did?

20 MR. WILLIAMS: It -- the name went all the way up
21 to the trial until I -- until it went to trial.

22 MS. MATOIAN: So I'm going to give you --

23 MR. WILLIAMS: And it had changed some. I think
24 some things changed.

25 MS. MATOIAN: So this is -- I don't actually have

1 a -- I have the recording. I don't have the transcript of
2 your statement on April 24, 2008 -- or 1986, but they read
3 it into evidence at your trial.

4 MR. WILLIAMS: Uh-huh.

5 MS. MATOIAN: So this is Exhibit 60. It's 82
6 through 84 of your trial transcript. And this is Teresa
7 Hicks, Detective Hicks' testimony about this 4/24/86
8 statement. So I just want you to take a second and read
9 that real quick.

10 (Exhibit Number 60 was introduced.)

11 (Pause.)

12 MS. MATOIAN: And just for the recording, that
13 pink highlighter mark on the first page is my own, not
14 yours.

15 MR. WILLIAMS: All right.

16 (Pause.)

17 MS. MATOIAN: Do you recall that statement?

18 MR. WILLIAMS: Uh-huh. That's the statement I was
19 telling you about that got missing. That was -- there was a
20 first statement --

21 MS. MATOIAN: Okay.

22 MR. WILLIAMS: -- that should have been before
23 those. And I don't where it -- how it got --

24 MS. MATOIAN: This should have --

25 MR. WILLIAMS: -- (inaudible).

1 MS. MATOIAN: -- been the first statement?

2 MR. WILLIAMS: Yes.

3 MS. MATOIAN: So now you're saying that you told
4 them Lieutenant first, then you change --

5 MR. WILLIAMS: Yeah.

6 MS. MATOIAN: -- the story --

7 MR. WILLIAMS: That was the first statement.

8 MS. MATOIAN: -- to Sammy Mitchell?

9 MR. WILLIAMS: Yeah.

10 MS. MATOIAN: Okay. But you didn't tell me about
11 that Lou was your first one earlier.

12 MR. WILLIAMS: Yeah. That's -- no, I didn't -- I
13 didn't -- remember, because I was still trying figure out
14 where the statement went --

15 MS. MATOIAN: Okay.

16 MR. WILLIAMS: -- with me holding her.

17 MS. MATOIAN: Okay.

18 MR. WILLIAMS: And that's the statement --

19 MS. MATOIAN: So --

20 MR. WILLIAMS: -- I was talking about.

21 MS. MATOIAN: -- according to the police file, the
22 timeline is your first statement is Sammy Mitchell, Terry
23 Smith, and Gadget?

24 MR. WILLIAMS: Uh-huh. But it's wrong.

25 MS. MATOIAN: That's wrong. You gave this Lou

1 story first?

2 MR. WILLIAMS: Uh-huh. That was the first one I
3 gave them.

4 MS. MATOIAN: The Lieutenant story?

5 MR. WILLIAMS: Uh-huh.

6 MS. MATOIAN: Then you did this, but then you
7 switched back to --

8 MR. WILLIAMS: Uh-huh.

9 MS. MATOIAN: -- Lieutenant?

10 MR. WILLIAMS: Yeah.

11 MS. MATOIAN: Okay. And then I don't think you
12 need to read this whole thing. No.

13 MS. BOYER: Sorry.

14 MS. MATOIAN: No, you're fine.

15 This is 61. This is the police report from
16 4/24/86. And it's pages 484 and 485.

17 (Exhibit Number 61 was introduced.)

18 MS. MATOIAN: So up right -- I want you to read
19 right here when it says "When questioned" --

20 MR. WILLIAMS: All right.

21 MS. MATOIAN: -- and read to the part -- just read
22 those couple lines about what you're saying about Sammy
23 Mitchell and them.

24 MS. BOYER: I'm going to say this is a very
25 strange position to be in, like having you guys ask

1 questions about the stuff --

2 MS. MATOIAN: Right.

3 MS. BOYER: -- that you actually know and I just
4 get to see that there are (inaudible).

5 MS. MATOIAN: Right.

6 MS. BOYER: Well, I do feel like I'm in a trial
7 (inaudible).

8 MS. MATOIAN: Right. Yeah. We've learned that in
9 our interviews if you're showing people a bunch of
10 documents, you kind of have to pretend like it's a trial and
11 say what it is so that as you're reading the transcript
12 and -- you get very confused. So it probably comes off as
13 more formal than we're intending.

14 MS. BOYER: I know, it's just you guys dig and dig
15 and dig and I don't get any of this at this point --

16 MS. MATOIAN: Right.

17 MS. BOYER: -- and -- yeah. So --

18 MS. MATOIAN: It's very -- yeah.

19 So do you remember telling them that Sammy wasn't
20 involved and Terry Smith and Gadget were involved?

21 MR. WILLIAMS: Yes.

22 MS. MATOIAN: Okay. So you don't think that you
23 used Sammy's name up until the trial?

24 MR. WILLIAMS: No.

25 MS. MATOIAN: Okay. So my question again is, you

1 said the police really wanted Sammy Mitchell. So what
2 happened when you said that Sammy -- the marks are just off.

3 MR. WILLIAMS: (Inaudible.)

4 MS. MATOIAN: So what happened when Sammy said --
5 or when you said that Sammy wasn't involved anymore?

6 MR. WILLIAMS: It started out having an interview
7 with -- I can't think of her name, the woman that did the
8 investigation. And then they -- frankly, they had got kind
9 of leary because they wanted to start backing away from
10 Sammy. So the statement just didn't --

11 MS. MATOIAN: And --

12 MR. WILLIAMS: -- look good.

13 MS. MATOIAN: And why did they want to back away
14 from Sammy?

15 MR. WILLIAMS: One of the detectives started to
16 feel that it was going to be problems with the first case
17 that we were in.

18 MS. MATOIAN: With the Wilson case?

19 MR. WILLIAMS: Uh-huh.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: Because everything somewhat looked
22 like it's going to run into each other. And we just --
23 everything was redone. And that's what happened.

24 MS. MATOIAN: I'm going to show you 62.

25 (Exhibit Number 62 was introduced.)

1 MS. MATOIAN: And over -- it's -- let's see, what
2 page is it, 697. And up at the top, it's kind of faint, but
3 it says "Map drawn, Merritt Drayton, 4/24/86. Interview
4 Hicks, Freeman."

5 Did you draw that?

6 MR. WILLIAMS: Yes.

7 MS. MATOIAN: Okay. Is this accurate?

8 MR. WILLIAMS: I don't know if it's accurate.
9 This is when we -- when they pulled in, we slowed here. And
10 that -- they pointed us, Well, what did you --

11 MS. MATOIAN: When you say "here," you're saying
12 on the side of the house where --

13 MR. WILLIAMS: On the side of the house.

14 MS. MATOIAN: -- the kitchen is marked?

15 MR. WILLIAMS: Uh-huh.

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: 'Cause the back porch is here.

18 MS. MATOIAN: Okay.

19 MR. WILLIAMS: But they got out and had me step
20 out and then they pointed to the back to the kitchen. And
21 then they pointed to the living room.

22 MS. MATOIAN: Okay.

23 MR. WILLIAMS: And then this -- they said, Well,
24 just sketch out what we just showed you, and I sketched it
25 out.

1 MS. MATOIAN: So here's this place that's marked
2 "kitchen."

3 MR. WILLIAMS: Uh-huh.

4 MS. MATOIAN: The square that's right below it
5 where it's some circles, what's that supposed to be?

6 MR. WILLIAMS: It's supposed to be the three of
7 us. And that --

8 MS. MATOIAN: That's supposed to be the three of
9 you?

10 MR. WILLIAMS: Uh-huh.

11 MS. MATOIAN: Okay. And you say the three of you
12 meaning who, you, Lieutenant and the victim?

13 MR. WILLIAMS: And the victim.

14 MS. MATOIAN: Okay. So you're there. And what is
15 this? Directly below the three of you, there's a little
16 box.

17 MR. WILLIAMS: That's supposed to be the front
18 door.

19 MS. MATOIAN: That's supposed to be the front
20 door. Is that a porch?

21 MR. WILLIAMS: Porch, yes.

22 MS. MATOIAN: Okay. And what are these two
23 smaller boxes on either side of that?

24 MR. WILLIAMS: It supposed to be windows.

25 MS. MATOIAN: Windows. Okay.

1 Where did you get enough information to draw this?

2 MR. WILLIAMS: To draw this?

3 MS. MATOIAN: To -- this whole map. Where are you
4 getting the information to put all of this in the map?

5 MR. WILLIAMS: Well, we -- they talked to me about
6 all of this.

7 MS. MATOIAN: Okay.

8 MR. WILLIAMS: And when we was in the yard, we
9 talked about the house.

10 MS. MATOIAN: Okay. So here's Gilmer Avenue down
11 at the bottom.

12 MR. WILLIAMS: Uh-huh.

13 MS. MATOIAN: And it's labeled Gilmer.

14 MR. WILLIAMS: Uh-huh.

15 MS. MATOIAN: Okay. What is --

16 MR. WILLIAMS: They labeled that.

17 MS. MATOIAN: -- happening here? What is this?

18 MR. WILLIAMS: This is where they said the garage
19 was. They said, Well, you need to put the garage where it
20 was at, right there. And they gave me a different place
21 there or there. But I can't actually remember them like
22 that.

23 MS. MATOIAN: Okay. What's this supposed to be?
24 And this looks like -- it's a square with -- with a point at
25 the end of it --

1 MR. WILLIAMS: I can't remember it. I don't --
2 MS. MATOIAN: -- and then an arrow --
3 MR. WILLIAMS: -- know if we supposed to be --
4 MS. MATOIAN: -- down to it.
5 MR. WILLIAMS: -- traveling that way or what.
6 MS. MATOIAN: Okay.
7 MR. WILLIAMS: I don't --
8 MS. MATOIAN: Is that supposed --
9 MR. WILLIAMS: -- know.
10 MS. MATOIAN: -- to be a car?
11 MR. WILLIAMS: I don't know. I can't remember --
12 MS. MATOIAN: Okay.
13 MR. WILLIAMS: -- what it was drawn for.
14 MS. MATOIAN: And then this right here says "Van."
15 MR. WILLIAMS: Uh-huh.
16 MS. MATOIAN: What do you remember about a van?
17 MR. WILLIAMS: Actually, they said a van was
18 parked across from the house, and that's all I could
19 remember.
20 MS. MATOIAN: Okay.
21 MR. WILLIAMS: So I included in --
22 MS. MATOIAN: So you drew it.
23 MR. WILLIAMS: -- because they said, What -- what
24 about the van across.
25 MS. MATOIAN: Okay.

1 MR. WILLIAMS: -- across from the house, so...

2 MS. MATOIAN: Do you remember what this is
3 supposed to be?

4 MR. WILLIAMS: No.

5 MS. MATOIAN: What about this --

6 MR. WILLIAMS: No.

7 MS. MATOIAN: -- this box that's got the lines
8 drawn through it?

9 MR. WILLIAMS: Lines drawn through it, no.

10 MS. MATOIAN: Okay. All right. Now I'm going to
11 show you 63. This one is -- it's marked 982 from the
12 Winston-Salem Police Department file.

13 (Exhibit Number 63 is introduced.)

14 MS. MATOIAN: My first question is, because this
15 is not marked or signed or has any notation on it, does this
16 look like your drawing? Did you draw that?

17 MR. WILLIAMS: No.

18 MS. MATOIAN: You didn't draw this?

19 MR. WILLIAMS: No.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: Handwriting on those, little
22 whatever you want to call them.

23 MS. MATOIAN: So this all looks different to you?
24 You drew this --

25 MR. WILLIAMS: Uh-huh.

1 MS. MATOIAN: -- not this?

2 MR. WILLIAMS: All of it but this one.

3 MS. MATOIAN: Okay. So you drew 62 but not -- not
4 63?

5 MR. WILLIAMS: Uh-uh. Not that. 'Cause I
6 wouldn't never use that and that is different up there.

7 MS. MATOIAN: All right.

8 MS. TANNER: What do you mean --

9 MS. MATOIAN: All right. And you say you never
10 would have drawn these little stars?

11 MR. WILLIAMS: No.

12 MS. MATOIAN: Okay.

13 MR. WILLIAMS: I don't use -- when I'm -- if I had
14 to draw a house, I would actually draw the box, the whole
15 house box.

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: I would never --

18 MS. MATOIAN: All right. Well, so I don't know
19 that they're trying to draw a house here because this is
20 Gilmer, it's labeled as Gilmer, and then there's the two
21 sides of the street.

22 MR. WILLIAMS: Uh-huh.

23 MS. MATOIAN: And you're --

24 MR. WILLIAMS: That's Patterson.

25 MS. MATOIAN: Okay. But this isn't your

1 handwriting?

2 MR. WILLIAMS: No. That's not my handwriting.

3 MS. MATOIAN: Okay. And that's your handwriting?

4 MR. WILLIAMS: No.

5 MS. MATOIAN: Okay. Do you know whose handwriting
6 that is?

7 MR. WILLIAMS: No. Because it's got the G with
8 the --

9 MS. MATOIAN: And I'm sorry, I'm talking about 62.

10 MR. WILLIAMS: They got the G with slashes in it.
11 No.

12 MS. MATOIAN: Okay. All right. So just to be
13 clear, 62, you recall drawing --

14 MR. WILLIAMS: Uh-huh.

15 MS. MATOIAN: -- but you did not write this
16 "Gilmer" because --

17 MR. WILLIAMS: No. I didn't write that.

18 MS. MATOIAN: -- you wouldn't write your Gs like
19 that?

20 MR. WILLIAMS: No.

21 MS. MATOIAN: Okay. 63 does not look like a
22 drawing that you would do?

23 MR. WILLIAMS: No.

24 MS. MATOIAN: And this Patterson and Gilmer that's
25 on there is not your writing? What about that?

1 MR. WILLIAMS: I don't know what that is.

2 MS. MATOIAN: Okay.

3 MR. WILLIAMS: It look like an L or a T --

4 MS. MATOIAN: Okay.

5 MR. WILLIAMS: -- or a 4. It's not mine. It's
6 not me.

7 MS. MATOIAN: It's got an L -- L and a T, but I
8 don't know what the rest of it says. Okay.

9 All right. Who's Lester Davis?

10 MR. WILLIAMS: Oh, boy. That's one I can't even
11 answer. I can't attach that name to anything.

12 MS. MATOIAN: You can't attach that name to
13 anything.

14 What was I on 64?

15 MS. TANNER: Yes. You're on 64 now.

16 MS. MATOIAN: Okay. Go to 64. And this is the
17 Winston-Salem Police report from May 6, 1986. Let me make
18 sure I don't already have that in there somewhere.

19 (Exhibit Number 64 was introduced.)

20 MS. TANNER: Do you want me to look?

21 MS. MATOIAN: No. I think I'm -- I think I'm
22 good. I think this one will be easier to read than the one
23 I already have in here. Yeah. Okay.

24 So this is a police report from the Winston-Salem
25 Police Department file from 5/6/86 and that's 428 and 429.

1 So this is another time that you've requested to speak to
2 Detective Freeland and Detective Dorn about this case.

3 MR. WILLIAMS: All right.

4 MS. MATOIAN: And I want you to read this
5 paragraph down here on the bottom of the first page.

6 (Pause.)

7 MR. WILLIAMS: No, I definitely can't remember
8 that.

9 MS. MATOIAN: Okay.

10 MR. WILLIAMS: Not Lester Davis.

11 (Pause.)

12 MR. WILLIAMS: Am I going to the back of this,
13 too?

14 MS. MATOIAN: Let me see what's on there.

15 MR. WILLIAMS: 'Cause it has -- at the end it
16 still goes on with --

17 MS. MATOIAN: Okay.

18 MR. WILLIAMS: -- Mr. Davis.

19 MS. MATOIAN: Yep. You can go on to the next one,
20 but only that first paragraph. Or actually, go to the
21 second paragraph, too, because it talks about a lineup
22 they've shown you, so I want to see if you recall being
23 shown that lineup.

24 (Pause.)

25 (Inaudible conversation held off record.)

1 MR. WILLIAMS: Yeah, I have to get used to
2 learning new gadgets. I've been in here so long.

3 MS. MATOIAN: All right.

4 MS. TANNER: There's some gadgets out there
5 that --

6 MS. MATOIAN: Yeah. A lot of change.

7 All right. So on 64, on the bottom of page 428,
8 you have highlighted:

9 "Merritt Drayton described the subject again
10 before showing him" -- or sorry. Up there it's talking
11 about the writer showing you the lineup again before showing
12 you the lineup.

13 "Merritt Drayton indicated that the subject in the
14 photo lineup that he had already been shown was wearing a
15 green type jacket and was wearing a toboggan. Writer once
16 again showed the same lineup to Merritt Drayton as
17 previously been shown and he picked out the picture of
18 Lester Davis as being the person who was with him on the
19 night that Blanche Bryson was murdered on Gilmer Avenue.
20 Merritt Drayton had previously indicated earlier in this
21 investigation that Lester Davis looked like the person who
22 was with him when this crime was committed."

23 So you don't have highlighted here, "However, he
24 would not positively identify him as the suspect in this
25 case." Is that true?

1 MR. WILLIAMS: Yeah. 'Cause I don't -- they might
2 have -- I don't even know -- I hadn't ever seen a lineup.

3 MS. MATOIAN: Okay.

4 MR. WILLIAMS: They didn't show me a lineup but
5 one time.

6 MS. MATOIAN: All right. It says:

7 "Merritt Drayton" -- or sorry. That's all you've
8 highlighted. You stopped at "when this crime was
9 committed."

10 MR. WILLIAMS: Uh-huh.

11 MS. MATOIAN: Okay. And so then down at the
12 bottom paragraph, they're talking about a lineup they showed
13 you with this list of names, but you do not recall ever
14 being shown a lineup?

15 MR. WILLIAMS: I was shown a lineup one time --

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: -- concerning this murder. I was
18 at CP. They came to see me and visit me and asked for a
19 conference. They took me in a room. They had book, opened
20 it, and showed me the lineup.

21 MS. MATOIAN: Okay. And that was after you had
22 been convicted, right?

23 MR. WILLIAMS: That was after I had been
24 convicted.

25 MS. MATOIAN: Okay. So I want to hold that for a

1 minute, but we will get back to that.

2 All right. Did you ever meet with Don Tisdale to
3 talk to him about this case?

4 MR. WILLIAMS: No.

5 MS. MATOIAN: Never?

6 MR. WILLIAMS: No. I don't remember talking to
7 him. I do remember talking to somebody. I can't remember
8 if I talked to him or not. Just I can't -- there were so
9 many different people from the DA office that was coming in
10 and out.

11 MS. MATOIAN: From the DA's office --

12 MR. WILLIAMS: Yeah.

13 MS. MATOIAN: -- you remember talking to someone?
14 Okay.

15 All right. What do you remember about a wallet?

16 MR. WILLIAMS: A wallet?

17 MS. MATOIAN: Do you recall telling police that if
18 they went and found your wallet that they would find a
19 receipt from the money that Terry Smith gave you?

20 MR. WILLIAMS: No.

21 MS. MATOIAN: No?

22 MR. WILLIAMS: I never -- I never had a wallet. I
23 don't use wallets.

24 MS. MATOIAN: Okay. So I'm going to show you 65
25 now. This is another Winston-Salem police report. It's

1 only two pages and this is just how the second page came to
2 us, so do the best you can when you're reading it.

3 (Exhibit Number 65 was introduced.)

4 MR. WILLIAMS: All right.

5 MS. MATOIAN: But it's marked 447 and 448. But
6 I'm going to have you do the same thing. I'm going to mark
7 in blue the parts you need to look at because they do go
8 talk to Mattie Mae Davis and you don't need to look at -- or
9 you can read it if you want to, but you don't need to worry
10 about highlighting it. And -- yeah.

11 So it's just this first paragraph right here. I
12 want you to look at that and highlight anything that you do
13 not remember telling the police or happening.

14 (Pause.)

15 MS. MATOIAN: Okay. So on 65, what you've
16 highlighted on page 447, it says:

17 "In a meeting held earlier in the month with
18 District Attorney Don Tisdale, information was received that
19 Merritt Drayton had relayed the following information to
20 him. He referred to a billfold that belonged to him and
21 that should contain a sales receipt from Zayre's Department
22 Store showing that he purchased a number of items with a
23 hundred dollar bill that he supposedly received from a
24 subject by the name of Terry Smith. The one hundred dollar
25 bill was payment for his participation in the homicide

1 concerning Blanche Bryson. The billfold was supposed to be
2 in the possession of Merritt Drayton's girlfriend, Mattie
3 Mae Davis."

4 Do you recall meeting with Don Tisdale?

5 MR. WILLIAMS: No. I seen him, but I don't
6 remember meeting with him.

7 MS. MATOIAN: Okay. Do you recall meeting with
8 anybody, whether from the District Attorney's Office or the
9 police department, and saying, hey, if you go find my
10 wallet, it's going to have a receipt in it from stuff I used
11 -- I bought using money Terry Smith gave me for this murder?

12 MR. WILLIAMS: No. Because I did have money, but
13 I worked for it because I did construction work. I did it
14 on my own.

15 MS. MATOIAN: Okay.

16 MR. WILLIAMS: In fact, November -- December --
17 late November, December into January I did work on a house
18 and I can't remember the street. I remodeled the inside and
19 I remodeled the whole complete roof for them.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: So I had my own money.

22 MS. MATOIAN: Do you remember ever going to
23 Zayre's Department Store and buying a radio?

24 MR. WILLIAMS: No.

25 MS. MATOIAN: No. If Mattie Mae said she

1 remembered going to the store and buying a radio?

2 MR. WILLIAMS: She'd be lying through her teeth.

3 MS. MATOIAN: Okay.

4 MR. WILLIAMS: 'Cause I ain't never been to Zayre
5 to buy anything.

6 MS. MATOIAN: Okay. Do you know someone named
7 Blackjack, James Jackson?

8 MR. WILLIAMS: Uh-huh.

9 MS. MATOIAN: Okay.

10 MR. WILLIAMS: Uh-huh.

11 MS. MATOIAN: Do you remember going to a
12 department store with him?

13 MR. WILLIAMS: We went to a store. We didn't go
14 in and buy anything.

15 MS. MATOIAN: Okay.

16 MR. WILLIAMS: He took somebody to the store, but
17 not -- not with me getting anything out of it.

18 MS. MATOIAN: Not with you?

19 MR. WILLIAMS: No, no.

20 MS. MATOIAN: Okay. So if Mattie Mae Davis -- and
21 I want to be clear. If you went to a department store and
22 bought something one time --

23 MR. WILLIAMS: Uh-huh.

24 MS. MATOIAN: -- that doesn't necessarily mean
25 that you bought something with money you got from this

1 murder.

2 MR. WILLIAMS: Uh-huh.

3 MS. MATOIAN: But if Mattie Mae Davis and James
4 Jackson both remember in December 1985, yeah, we went to
5 Zayre's Department Store, he bought a radio, got some food,
6 got some gas, is that a lie?

7 MR. WILLIAMS: Summer of '85?

8 MS. MATOIAN: December of '85.

9 MR. WILLIAMS: Oh. No, it could be true. But I'm
10 saying I don't remember going and buying a radio just
11 'cause --

12 MS. MATOIAN: Do you remember going to the
13 department store at all?

14 MR. WILLIAMS: Not Zayre's.

15 MS. MATOIAN: Not Zayre's?

16 MR. WILLIAMS: No.

17 MS. MATOIAN: Okay.

18 MR. WILLIAMS: I went to the store, but not
19 Zayre's.

20 MS. MATOIAN: All right.

21 MR. WILLIAMS: She probably remember a lot of
22 things that I can't remember. Zayre's, Zayre's.

23 MS. MATOIAN: And they went back to 9th Street
24 that had been abandoned, the police did.

25 MR. WILLIAMS: Uh-huh.

1 MS. MATOIAN: And they did find -- they said they
2 found a billfold with a probation card with the name Merritt
3 Williams on it.

4 MR. WILLIAMS: Uh-huh.

5 MS. MATOIAN: They didn't find a receipt in it.

6 MR. WILLIAMS: No. (Inaudible.)

7 MS. MATOIAN: Do you remember anything about this
8 whole wallet situation?

9 MR. WILLIAMS: They -- I don't call it a wallet.
10 It's a -- it's -- it's not a wallet. You ever -- you ever
11 seen a --

12 MS. MATOIAN: Did it not fold out?

13 MR. WILLIAMS: It didn't fold all the way out.

14 MS. MATOIAN: Okay.

15 MR. WILLIAMS: I can remember. But I had my
16 probation card in it and that was it.

17 MS. MATOIAN: Okay. But you don't --

18 MR. WILLIAMS: I never carried --

19 MS. MATOIAN: Right. But you don't recall telling
20 them, hey, if you go find this wallet, you're going to find
21 this thing?

22 MR. WILLIAMS: No.

23 MS. MATOIAN: Okay.

24 MR. WILLIAMS: The only thing I can remember is
25 one thing. I was asked was I working.

1 MS. MATOIAN: Okay.

2 MR. WILLIAMS: And it wouldn't have been a Zayre's
3 receipt they'd be looking for. The guy I worked for, he
4 took me to the store to buy stuff to work on his house with.

5 MS. MATOIAN: Okay.

6 MR. WILLIAMS: Those receipts were in my wallet.
7 And the reason I was telling them about those receipts
8 because of the time frame of that murder and the time of
9 those receipts actually would have added up and cleared me
10 because of the time that I worked from his house until then.

11 MS. MATOIAN: So you're saying that by this point
12 -- so this happened in September of 1986.

13 MR. WILLIAMS: Uh-huh.

14 MS. MATOIAN: So this is five months after you
15 first start talking to police?

16 MR. WILLIAMS: Uh-huh.

17 MS. MATOIAN: Okay. So you're saying that the
18 only time you remember telling them about a wallet is, hey,
19 if you go get my wallet, there will receipts in there that
20 will clear me?

21 MR. WILLIAMS: It would -- it would have helped me
22 because I had -- I had wanted to change everything up. And
23 I remember -- I said, now, I did work for somebody in the
24 time this murder was supposed to happen. I did his whole
25 roof and part of his living room. But the receipts would

1 have been from a mall that was down, I guess you call it --
2 not 421 -- 40. It's a place off of 40 in Winston that has a
3 storage, buy lumber supplies, all that stuff from, I went
4 there a couple times. During that month, we bought a lot of
5 stuff.

6 MS. MATOIAN: And why do you think those receipts
7 would have cleared you?

8 MR. WILLIAMS: Because after trying to get out of
9 it, those receipts would have the time that we went.
10 Because I worked on his house like a whole week. And I
11 worked from the morning to late at night.

12 MS. MATOIAN: When you say "late at night," how
13 late?

14 MR. WILLIAMS: 10 or 11 o'clock. And --

15 MS. MATOIAN: Would the store have been open at 10
16 or 11 o'clock to be giving you a receipt?

17 MR. WILLIAMS: Lowe's would have been open late
18 but not -- probably not that late.

19 MS. TANNER: Who did you work for?

20 MR. WILLIAMS: It was a guy that was near the
21 house where Mattie and me lived when I got out of prison.
22 And I did his roof and inside of his house, had to put
23 paneling up. I tore down the old paneling, put new paneling
24 up. I redid the roof and gutter. And that house was all
25 the way across town. It was in east Winston.

1 MS. TANNER: Okay. What was his name?

2 MR. WILLIAMS: I can't remember. I don't know if
3 I can get anybody -- I don't even know anybody that could
4 remember his name. He may be dead now because they were an
5 older couple.

6 MS. TANNER: Okay. So, Mr. Williams, I just want
7 to be clear. When Catee first asked you about that, your
8 reaction to going to Zayre's was that Mattie Mae was lying
9 through her teeth.

10 MR. WILLIAMS: Yeah. Because I don't remember
11 going to Zayre's.

12 MS. TANNER: Okay.

13 MR. WILLIAMS: Because Zayre's from where we --
14 from where we lived at would be like, I guess, going
15 50 miles 'cause it's a long ways off.

16 MS. TANNER: Okay.

17 MR. WILLIAMS: It'd be no need for me to go all
18 the way to Zayre's.

19 MS. MATOIAN: Oh, so Zayre's isn't -- isn't in
20 Winston?

21 MR. WILLIAMS: It is, but it's so far from where
22 we live at --

23 MS. TANNER: Okay.

24 MR. WILLIAMS: -- it would not be suitable to go
25 to Zayre's when we can go on Martin Luther King Boulevard --

1 MS. TANNER: Okay.

2 MR. WILLIAMS: -- and go to a shopping center
3 there. We'd be going really out of our way just to go and
4 get a radio. That doesn't sound right. I don't even listen
5 -- I have a radio. I had a radio when I got out, so I
6 wouldn't need to go get a radio.

7 MS. MATOIAN: So you're -- but I just want to be
8 clear that you're saying that by this time you were trying
9 to now say that you did not commit the crime at all?

10 MR. WILLIAMS: Uh-huh.

11 MS. MATOIAN: Okay. Do you know of a reason why I
12 don't have any reports from the Winston-Salem Police
13 Department file of you saying that?

14 MR. WILLIAMS: I didn't -- doing anything with
15 them, they just -- they weren't trying to hear nothing no
16 more. I done got in so deep it was -- it was no turning
17 back.

18 MS. MATOIAN: So if you -- before you were able to
19 have someone from the jail call them and say I want to tell
20 you something and they'd come get you?

21 MR. WILLIAMS: Yeah. But once I had --

22 MS. MATOIAN: Did you call them and say -- did you
23 say, hey, call them -- tell the jail to call the police
24 department?

25 MR. WILLIAMS: At some -- well, I got with my

1 lawyer even before we went to court on them. I talked to
2 him about it. And he said, Look, he said, It's too late.
3 You got in deep and they want the trial. So we went to
4 trial. He advised me, You probably have to make sure that
5 when you get on the stand, you keep your butt from going to
6 death row.

7 MS. MATOIAN: Okay.

8 MR. WILLIAMS: And I probably did with some things
9 I had said.

10 MS. MATOIAN: Okay. So -- and when you say --
11 when you're talking about that attorney, are you talking
12 about Kevin Mauney and Charles Redden who were your
13 attorneys at the trial or --

14 MR. WILLIAMS: Uh-huh.

15 MS. MATOIAN: -- the Davises --

16 MR. WILLIAMS: Not the -- not the first --

17 MS. MATOIAN: -- who were the first --

18 MR. WILLIAMS: -- not the first ones, no.

19 MS. MATOIAN: Okay. And you said yesterday that
20 after you had given information in the Bryson case that
21 those attorneys wanted to get off your case. Did they tell
22 you what it was about the Bryson case that made them want to
23 get off of it?

24 MR. WILLIAMS: Oh, the two black attorneys?

25 MS. MATOIAN: Yeah.

1 MR. WILLIAMS: They said that they didn't feel
2 comfortable trying to represent me after I had indicated
3 myself in two murders like that.

4 MS. MATOIAN: Okay.

5 MR. WILLIAMS: They didn't feel they could
6 properly represent me.

7 MS. MATOIAN: All right. So when you got
8 Mr. Redden and Mr. Mauney, what did you tell them about your
9 involvement in the Bryson case?

10 MR. WILLIAMS: Basically the same thing. That's
11 really -- we talked about it. And for them, it -- it wasn't
12 easy because they weren't, I guess you call, lawyers that
13 ever handled that type case before.

14 MS. MATOIAN: Okay.

15 MR. WILLIAMS: And it was -- it was hard on them.
16 So at first, we weren't going -- we were going to plead.
17 And then after I told them that I was not guilty of it, they
18 said, Well, okay. We're going on and take it to trial.

19 MS. MATOIAN: So you had initially told them --

20 MR. WILLIAMS: I told them I wasn't --

21 MS. MATOIAN: -- what you told the police, that
22 you had committed it?

23 MR. WILLIAMS: Uh-huh. But I --

24 MS. MATOIAN: And did you tell them the Lieutenant
25 story? Did you tell them the Gadget, Terry Smith, Sammy

1 Mitchell story?

2 MR. WILLIAMS: They read the Lieutenant story.

3 MS. MATOIAN: The Lieutenant story?

4 MR. WILLIAMS: Uh-huh.

5 MS. MATOIAN: So you told them that that was true
6 at first?

7 MR. WILLIAMS: Uh-huh.

8 MS. MATOIAN: And you were going to take a plea?

9 MR. WILLIAMS: (No verbal response.)

10 MS. MATOIAN: What made you decide to tell them
11 that that wasn't true?

12 MR. WILLIAMS: He told me, he said, Look, if you
13 didn't do it, just tell me now. And I told him. And he
14 said, Well, you still have to go to trial. He said, They'll
15 offer a plea, but the plea they offered was putting a bunch
16 of sentences and stretching it out.

17 And I said, No.

18 He said, We'll just take it to trial and see what
19 happens.

20 At first he wasn't going to put me on the stand.
21 And then after the State put on their witness, he said,
22 Well, he said, I want you to take the stand. I took the
23 stand.

24 MS. MATOIAN: And do you remember that you took
25 the stand during the sentencing phase of your trial after

1 you'd been convicted?

2 MR. WILLIAMS: No.

3 MS. MATOIAN: Okay. So before we get to the
4 trial, other than everything we've talked about from April
5 of 1986 to May 1986 to September of 1986, and going up to
6 your trial in 1987, are there any other interactions with
7 police that we haven't talked about?

8 MR. WILLIAMS: I can't remember any.

9 MS. MATOIAN: Other than the Lieutenant -- just
10 for ease of understanding for all of us, I'm going to call
11 it the Lieutenant story --

12 MR. WILLIAMS: Uh-huh.

13 MS. MATOIAN: -- and the Sammy Mitchell story, and
14 Sammy Mitchell includes Terry Smith and Gadget as well.

15 MR. WILLIAMS: Uh-huh.

16 MS. MATOIAN: Other than the Sammy Mitchell story
17 and the Lieutenant story, did you give any other versions of
18 this crime --

19 MR. WILLIAMS: I can't remember --

20 MS. MATOIAN: -- that you can recall?

21 MR. WILLIAMS: -- if I did. I can't recall if I
22 did.

23 MS. MATOIAN: Okay. And do you recall telling the
24 police directly that you had no involvement in this crime
25 prior to your trial?

1 MR. WILLIAMS: I told my lawyers, but we didn't --
2 I don't think we told the police anything.

3 MS. MATOIAN: Okay. All right. What do you
4 remember happening at your trial?

5 MR. WILLIAMS: I remember a guy getting up talking
6 about the hair sample from the toboggan.

7 MS. MATOIAN: Okay.

8 MR. WILLIAMS: And then Ms. Hicks was put on the
9 stand and she was questioned. Then my lawyer cross-examined
10 her about her telling me I could go free --

11 MS. MATOIAN: Okay.

12 MR. WILLIAMS: -- about the case.

13 MS. MATOIAN: Did she tell you that?

14 MR. WILLIAMS: She indicated that my lawyer
15 crossed -- crossed-examined her on that. I don't know
16 exactly what was said. Didn't pay attention to it. It was
17 so long ago.

18 MS. MATOIAN: I'm asking you did Teresa Hicks ever
19 tell you that you could go free --

20 MR. WILLIAMS: She --

21 MS. MATOIAN: -- or was that just a question your
22 lawyer was asking?

23 MR. WILLIAMS: I had asked -- I had asked him
24 before because she had something to it, and I can't remember
25 what she said, and he had questioned her about it.

1 MS. MATOIAN: Okay. All right.

2 MR. WILLIAMS: It's cold in here.

3 MS. TANNER: It's very cold. I'm freezing.

4 MS. BOYER: I came with -- yeah. I came with a
5 sweater and a sweatshirt today --

6 MR. WILLIAMS: You're still cold.

7 MS. TANNER: It was comfortable --

8 MS. BOYER: -- just to see --

9 MS. TANNER: They're --

10 MS. BOYER: -- (inaudible).

11 MS. MATOIAN: They're really trying it. Okay.

12 So, Mr. Williams, your attorneys actually didn't
13 put on any -- so in that kind of case, you have the guilt,
14 innocence phase, and then the sentencing phase. So you did
15 not put on any evidence in the guilt phase. Your lawyers
16 did during the sentencing phase. And that's when you
17 testified. So you had already been convicted.

18 So I'm going to hand you your testimony. I'm --
19 I'm going to look at my own highlights to point out pages to
20 you so that you don't have to read that whole thing. So
21 that's 66.

22 (Exhibit Number 66 was marked.)

23 MS. MATOIAN: What do you recall saying during
24 your sentencing when you testified?

25 MR. WILLIAMS: No. I didn't testify during my

1 sentencing.

2 MS. MATOIAN: What do you recall happening when
3 you testified?

4 MR. WILLIAMS: I was put on the stand right after
5 the police -- the State -- after their witnesses, I was put
6 on the stand.

7 MS. MATOIAN: Okay.

8 MR. WILLIAMS: Shoot, it's so much. I had -- like
9 you said, I gave them my name.

10 MS. MATOIAN: Okay. Did you tell them that you
11 had committed this murder?

12 MR. WILLIAMS: Yes, I think I did.

13 MS. MATOIAN: Okay. What did you tell them?

14 MR. WILLIAMS: I can't remember word for word.

15 MS. MATOIAN: Okay. Did you give them the
16 Lieutenant's story or the Sammy Mitchell story?

17 MR. WILLIAMS: I mentioned Sammy Mitchell's name.

18 MS. MATOIAN: Okay.

19 MR. WILLIAMS: I believe I did.

20 MS. MATOIAN: But as involved in the Bryson murder
21 or as involved in the Wilson murder?

22 MR. WILLIAMS: In the Wilson -- in the Bryson's
23 murder.

24 MS. MATOIAN: Okay.

25 MR. WILLIAMS: I can't find my --

1 MS. MATOIAN: This is interesting.

2 MS. TANNER: Uh-huh.

3 MS. MATOIAN: All right. I'm going to direct you
4 to a page in just a second. Actually, can you go to
5 page 493.

6 MS. TANNER: Is this is it?

7 MS. MATOIAN: Yeah. Oh, I'm sorry.

8 MS. BOYER: The pages are actually over here --

9 MR. WILLIAMS: You got two up here.

10 MS. MATOIAN: Right there.

11 MS. BOYER: -- because the way that the --

12 MR. WILLIAMS: Okay.

13 MS. MATOIAN: Thank you, Beth.

14 MS. BOYER: I finally figured out that those are
15 screen shots of microfilm.

16 MS. MATOIAN: Yeah.

17 MR. WILLIAMS: Yeah. They pulled them.

18 MS. BOYER: Yeah. So it's like six pieces of
19 (inaudible).

20 MS. MATOIAN: Okay. So I want to point you to --
21 up at the top here. Your lawyer is asking you about whether
22 or not officers coerced you in any way with your statements.

23 MR. WILLIAMS: Uh-huh.

24 MS. MATOIAN: And I want to direct you to line 3
25 here that starts with your answer. It says:

1 "Well, I can't say coerced, but they seem to have
2 disbeliefs to certain people, but then a belief to certain
3 people that could have participated in the crime."

4 What did you mean by that?

5 MR. WILLIAMS: Because I indicated people and I
6 put Sammy in it. There was some belief in it. There was
7 some belief of Terry. And it was just shifting back and
8 forth. At one point, they believed and then the next point
9 they didn't believe.

10 MS. MATOIAN: Okay.

11 MR. WILLIAMS: And they're just still searching
12 for people that would actually be the right person in the
13 crime.

14 MS. MATOIAN: Okay. So on that same page going
15 down to line 15, you see these numbers?

16 MR. WILLIAMS: Yes.

17 MS. MATOIAN: 15 your lawyer says:

18 "Well, but you -- you thought that by making some
19 statements it might -- it might help you though."

20 And you answered, "Certain things were said to the
21 effect during the course of me being in and out of the jail
22 between some people about it."

23 MR. WILLIAMS: Uh-huh.

24 MS. MATOIAN: Who was saying that? Who was saying
25 that that would help you?

1 MR. WILLIAMS: Well, I got most of it -- that from
2 Ms. Hicks.

3 MS. MATOIAN: Okay.

4 MR. WILLIAMS: Because we had talked and some
5 things she said.

6 MS. MATOIAN: Tell me everything you remember
7 about those conversations with Detective Hicks.

8 MR. WILLIAMS: I -- I had asked her, I said,
9 Anybody ever got out from the -- from the -- not going to
10 jail for being in this kind of mess?

11 And she said, Yeah.

12 And then I think she got cross-examined by my
13 lawyers about that when they put her up -- when she was on
14 the stand.

15 MS. MATOIAN: So you asked her if there was any --
16 if she knew of any situations where someone could get out of
17 the mess that you had gotten yourself into?

18 MR. WILLIAMS: Uh-huh.

19 MS. MATOIAN: She said yeah. But then what did
20 she say -- what did she say that those people did?

21 MR. WILLIAMS: She didn't go into details about
22 anything. She said, Yeah, and we just went on from there.

23 MS. MATOIAN: What did she say that made you think
24 that you could get help?

25 MR. WILLIAMS: Because she said it could be done,

1 you know, and so -- I don't know if they'll do --

2 MS. MATOIAN: But what would you have to do in
3 order to get that help?

4 MR. WILLIAMS: We didn't go -- she didn't go into
5 no details about anything after that. It was just said and
6 that was it.

7 MS. MATOIAN: All right. If you could turn to the
8 next page. Go down to line 12 --

9 MR. WILLIAMS: Uh-huh.

10 MS. MATOIAN: You say there:

11 "Well, certain parts of my statement I exaggerated
12 a little rather than just give them, you know, the actual
13 facts. My involvement was not so much as to commit murder
14 in this crime, it was more or less in a -- a lot of people
15 call larceny, but it's actually breaking and entering to
16 that effect."

17 MR. WILLIAMS: Uh-huh. I remember that.

18 MS. MATOIAN: You remember saying that?

19 MR. WILLIAMS: Yes.

20 MS. MATOIAN: Okay. So right now you're -- you're
21 under oath --

22 MR. WILLIAMS: Uh-huh.

23 MS. MATOIAN: -- you've been found guilty, and
24 you're still implicating yourself in this crime?

25 MR. WILLIAMS: I don't even know if I was found

1 guilty yet.

2 MS. MATOIAN: Go to the next page. So down there
3 on line 12 on 495, I want you to read that paragraph.

4 MR. WILLIAMS: Uh-huh. That's when I give a name
5 of Lieutenant.

6 MS. MATOIAN: What name did you give Lieutenant?

7 MR. WILLIAMS: George Thompson.

8 MS. MATOIAN: Where did you come up with that
9 name?

10 MR. WILLIAMS: It was somebody I know. He's dead.

11 MS. MATOIAN: So he's a real person?

12 MR. WILLIAMS: Yeah.

13 MS. MATOIAN: He's dead. When did he die?

14 MR. WILLIAMS: A long time ago.

15 MS. MATOIAN: Like before this trial happened?

16 MR. WILLIAMS: Yeah. Long before the trial.

17 MS. MATOIAN: How do -- how did you know him?

18 MR. WILLIAMS: He's just somebody I knew.

19 MS. MATOIAN: From Winston-Salem? From South
20 Carolina? From where?

21 MR. WILLIAMS: South Carolina.

22 MS. MATOIAN: From South Carolina?

23 MR. WILLIAMS: Yeah.

24 MS. MATOIAN: Was he from the same town as you?

25 MR. WILLIAMS: Yes.

1 MS. MATOIAN: Was he your same age?

2 MR. WILLIAMS: No.

3 MS. MATOIAN: How old was he?

4 MR. WILLIAMS: Oh, way older than I was.

5 MS. MATOIAN: Okay. Was he white, black?

6 MR. WILLIAMS: Black.

7 MS. MATOIAN: What did he look like?

8 MR. WILLIAMS: A description, I guess, stalky,
9 about 6'1", maybe about 200 pounds.

10 MS. MATOIAN: Okay. Why did you use his name?

11 MR. WILLIAMS: I just came up with the quickest
12 name I could get in my head while I was on the stand.

13 MS. MATOIAN: You say -- in your original
14 statement about Lieutenant and in your trial testimony, you
15 say that George Thompson worked for Terry Smith.

16 MR. WILLIAMS: Uh-huh.

17 MS. MATOIAN: Did George Thompson work for Terry
18 Smith?

19 MR. WILLIAMS: No.

20 MS. MATOIAN: So why did you say that?

21 MR. WILLIAMS: I had to put him in that. That's
22 the only way I could get them to believe the whole story.
23 He had to work for Terry because Terry was -- the man was a
24 man focused in the first statement, you know, he was.

25 MS. MATOIAN: So I just want to make sure I'm

1 understanding, and please correct me if I'm wrong. You
2 first give a statement, the name Sammy Mitchell, Terry
3 Smith, and Gadget. And you said you originally named Terry
4 Smith because of his connection to the victim's son; is that
5 correct?

6 MR. WILLIAMS: Uh-huh.

7 MS. MATOIAN: Okay. So then about a week later,
8 you back off of Terry Smith being physically involved, you
9 back off Gadget, and you back off Sammy Mitchell. And then
10 you come up with this guy named Lieutenant?

11 MR. WILLIAMS: Uh-huh.

12 MS. MATOIAN: So you continue to say that
13 Lieutenant works for Terry Smith because you needed to keep
14 the connection of Terry Smith to the victim?

15 MR. WILLIAMS: And involved in the case.

16 MS. MATOIAN: Why did you need to keep him
17 involved in the case?

18 MR. WILLIAMS: They weren't -- they weren't
19 letting it go. They still -- in their mind, they still felt
20 that he as involved in it. But with the report from the
21 person that did the check on it that my lawyers hired, she
22 had done ruled him out. That still didn't stop anything.
23 He still stayed involved in it.

24 MS. MATOIAN: Okay. And you know that Terry Smith
25 was never actually charged in this crime, right?

1 MR. WILLIAMS: Yeah, he was never brought up in
2 it.

3 MS. MATOIAN: Okay. So George Thompson is a real
4 person --

5 MR. WILLIAMS: Uh-huh.

6 MS. MATOIAN: -- however, you knew him in South
7 Carolina? He was already dead before this trial?

8 MR. WILLIAMS: He was dead long ago.

9 MS. MATOIAN: And --

10 MS. TANNER: What was that?

11 MR. WILLIAMS: He was dead long ago.

12 MS. MATOIAN: Long ago.

13 MS. TANNER: Okay.

14 MS. MATOIAN: And to your knowledge, he had no
15 connection with Terry Smith?

16 MR. WILLIAMS: No. Nobody.

17 MS. MATOIAN: I mean I have to ask you in
18 general --

19 MR. WILLIAMS: Why? I wish --

20 MS. MATOIAN: -- you now put Sammy Mitchell in two
21 murders that you're now saying that you -- that that's not
22 true. Terry Smith, you put him in a murder and continued to
23 put him in a murder, even though not physically, even though
24 you now say that's not true. You give the name Gadget
25 knowing that there's a guy out there on the street that goes

1 by the name Gadget who could get picked up and mixed up in
2 this. And then you're giving the name of someone else at
3 your trial. Did you understand that people could have been
4 charged with murder for this?

5 MR. WILLIAMS: Yes, I did. And it -- I can't
6 answer why that happened. It happened. And I'm still
7 trying to find why I could do it.

8 There was some answer as to whys through my
9 psychologist because they were going to call some people in.
10 But I didn't ever follow that up to let him go ahead and
11 start treating me for that particular illness.

12 MS. MATOIAN: What did they say was wrong with
13 you?

14 MR. WILLIAMS: There's something that --

15 MS. MATOIAN: Not wrong with you, but --

16 MR. WILLIAMS: It's something that causes people
17 to admit to doing anything even if they didn't do it. And I
18 never did -- we never did go down that path. My
19 psychologist from --

20 MS. MATOIAN: Are you talking about --

21 MR. WILLIAMS: -- 20 years ago --

22 MS. MATOIAN: -- at the trial?

23 MR. WILLIAMS: No.

24 MS. MATOIAN: Okay.

25 MR. WILLIAMS: I was here. When he seen me here.

1 MS. MATOIAN: Okay.

2 MR. WILLIAMS: Matter of fact, he seen me last
3 year. And he was talking to me about everything. And he
4 was still concerned how I was -- how I was going after all
5 this happened. But he gave a name for it. And as soon as
6 he gave the name, he retired again. And that was the end of
7 it. I never did finish going to the sessions so I could
8 understand why. But he did have a name for it and he tried
9 to --

10 MS. TANNER: So you saw somebody at the prison
11 last year who retired?

12 MR. WILLIAMS: Uh-huh. I had seen him -- when I
13 first went to Central Prison, I had seen him.

14 MS. TANNER: Okay.

15 MR. WILLIAMS: And I had seen him for like maybe
16 ten years. And I moved from another prison to another
17 prison and he had retired. But they needed somebody here
18 because they had no psychologist and he had came back in.
19 And when he seen me -- I was on his list. And he actually
20 thought I had got out; I had died. And he started talking
21 to me. And he told me about it, he said, This is a simple
22 case. He said, You've just never been treated for it.

23 MS. MATOIAN: What's his name?

24 MR. WILLIAMS: Oh, God. And I thought about it
25 last night and I didn't write his name down. Volger

1 (phonetic).

2 MS. MATOIAN: V-o-l-g-e-r or V-u?

3 MR. WILLIAMS: I don't know how you spell that.

4 MS. MATOIAN: Volger. Okay.

5 MR. WILLIAMS: Uh-huh. I think he -- I don't know
6 if there's any notes in my mental health records with his
7 name on it or not. It should have been because they have a
8 copy of it.

9 MS. MATOIAN: Okay.

10 MS. TANNER: You have a doctor now, right?

11 MR. WILLIAMS: I should have a copy. Yeah.

12 MS. TANNER: Okay. So after he -- Dr. Volger, if
13 that -- that's his correct name retired, you got somebody
14 else, right?

15 MR. WILLIAMS: Yeah.

16 MS. TANNER: Okay.

17 MR. WILLIAMS: But they didn't -- that didn't
18 transfer over. We just started a whole new session. Well,
19 the dude I had, he was here and he retired. And then Volger
20 came in and took over. And he went back into retirement
21 because he's from the East Coast. And now I have Hartzog
22 and --

23 MS. TANNER: Have who?

24 MR. WILLIAMS: Hartzog. He's all right.

25 MS. TANNER: Hartzog. Have you talked to him

1 about the fact that Dr. Volger gave you a diagnosis that you
2 haven't followed up on with him?

3 MR. WILLIAMS: No.

4 MS. TANNER: Why not?

5 MR. WILLIAMS: I didn't follow it no more.

6 Actually, I didn't even believe -- at first I had planned to
7 pull this claim back because I had felt that nothing will
8 ever happened, so I didn't follow up no more. But then when
9 it did happen, I was surprised.

10 MS. TANNER: So, Mr. Williams, I just -- I have to
11 ask. We focused on this criminal conduct here. But in
12 prison, you know, I understand there are some -- some
13 things, not many, but some things that you have done here
14 that are a violation of the prison rules and stuff like
15 that. Have there --

16 MR. WILLIAMS: (Inaudible.)

17 MS. TANNER: -- have there been -- right. Have
18 there been --

19 MR. WILLIAMS: In here.

20 MS. TANNER: -- have there been experiences in
21 those violations or while you've been in prison that are you
22 admitting to things that you just didn't do?

23 MR. WILLIAMS: No.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: But they -- I think they said it --

1 found patterns to something, oh, the burning, for one, was
2 questionable. Why did I admit to it when I could have just
3 gone ahead and went to trial and -- 'cause what she said --
4 and I can't remember what he called it. He just said it's
5 -- it's not widespread, but the people who do it, he said,
6 and it just -- no one ever really goes to that extent to --
7 to talk about that, why people admit to crimes.

8 MS. TANNER: Okay.

9 MS. MATOIAN: Okay. So I don't want to read your
10 whole trial transcript, but during the trial is when you
11 bring up the name George Thompson --

12 MR. WILLIAMS: Yes.

13 MS. MATOIAN: -- and the Lieutenant story?

14 MR. WILLIAMS: Yes.

15 MS. MATOIAN: Okay. Do you remember requesting to
16 speak to detectives after you testified?

17 MR. WILLIAMS: No. After I testified, I got --
18 went back to the bullpen and waited. The jury stayed out
19 for a while, then I was called back in. And they found me
20 guilty. And that was it. There was nothing else. I didn't
21 stand for no other hearing or nothing.

22 MS. MATOIAN: Okay. So you don't remember
23 speaking to detectives?

24 MR. WILLIAMS: Uh-uh. Not after my charge.

25 MS. MATOIAN: Okay. I'm going to show you

1 Exhibit 40.

2 (Exhibit Number 40 was introduced.)

3 MS. TANNER: I'll take this exhibit from you.

4 MS. MATOIAN: Yeah.

5 MR. WILLIAMS: Not unless it's Mary Smith. That's
6 the only thing I can remember.

7 MS. MATOIAN: It's not about Mary Smith, no.

8 All right. I want you to look -- take a look at
9 Exhibit 40. I want you to read the whole thing for me.

10 MS. BOYER: And while you're doing that, I am
11 going to (inaudible).

12 (Pause.)

13 MR. WILLIAMS: I can't remember that conversation.

14 MS. MATOIAN: You don't remember this conversation
15 at all?

16 MR. WILLIAMS: Uh-uh.

17 MS. MATOIAN: Not one part of this?

18 MR. WILLIAMS: No.

19 MS. MATOIAN: If you're --

20 MR. WILLIAMS: I can't say it didn't happen. I
21 just can't remember --

22 MS. MATOIAN: Okay.

23 MR. WILLIAMS: -- what happened.

24 MS. MATOIAN: Okay. So as you can see from that
25 report, you've already been found guilty.

1 MR. WILLIAMS: Yeah, I see.

2 MS. MATOIAN: You've already testified under oath
3 that you did this. Why would you have contacted the police
4 to give more information about something that you say wasn't
5 true?

6 MR. WILLIAMS: That's the part that I don't
7 understand myself, after I had been tried.

8 MS. MATOIAN: And I think we've -- I think we have
9 established that you do not recall ever being shown a lineup
10 except for the one time when you're already in prison --

11 MR. WILLIAMS: Uh-huh.

12 MS. MATOIAN: -- after you've been convicted?

13 I'm going to show you 67. This is three pages,
14 but I only want you to look at the first page first.

15 (Exhibit Number 67 was introduced.)

16 MS. MATOIAN: Do you recall ever being shown this?

17 MR. WILLIAMS: No. I don't --

18 MS. MATOIAN: You've never seen that?

19 MR. WILLIAMS: No. I've never seen those faces.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: At all.

22 MS. MATOIAN: So you don't recall seeing this
23 lineup put together and do you know who any of these men
24 are?

25 MR. WILLIAMS: No. I don't know any of them at

1 all. And I'm looking at them hard and I don't know any of
2 them.

3 MS. MATOIAN: Okay. All right. So the third page
4 of it, it says, "ID lineup worksheet." And it says,
5 "T.H. Hicks" at the top. That's Teresa Hicks. Then it says
6 "July 31, 1987" over here. So that's the same day that that
7 conversation in Exhibit 40 was supposed to have happened?

8 MR. WILLIAMS: Uh-huh.

9 MS. MATOIAN: And there's a list of names --

10 MR. WILLIAMS: Uh-huh.

11 MS. MATOIAN: -- of the people who were in the
12 lineup. Do you recognize any of these names?

13 MR. WILLIAMS: No.

14 MS. MATOIAN: Okay. And you see here by George
15 Thomas Wideman, it says "Suspect" --

16 MR. WILLIAMS: Uh-huh.

17 MS. MATOIAN: -- right? Is George Thomas Wideman
18 George Thompson?

19 MR. WILLIAMS: No.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: I don't even know him.

22 MS. MATOIAN: Okay.

23 MR. WILLIAMS: I don't know any -- I don't know --
24 none of the Widemans.

25 MS. MATOIAN: Yeah. It's a little bit difficult

1 to tell from the way that this was copied, 51317, but either
2 this person or this person is George Thomas Wideman. Do you
3 recognize either of these men?

4 MR. WILLIAMS: No, I don't. I can tell you now, I
5 don't know any of them. I don't know anybody on that page.

6 MS. MATOIAN: You don't know anybody?

7 MR. WILLIAMS: Uh-uh.

8 MS. MATOIAN: So the person that you used the name
9 George Thompson does not appear on this page?

10 MR. WILLIAMS: No.

11 MS. MATOIAN: Okay. All right. Tell me about the
12 police coming to you with that lineup in '87. Or I guess
13 how long was it after you had been convicted.

14 MR. WILLIAMS: I don't know if it was months or
15 year they came to me with a lot of people in lineups.

16 MS. MATOIAN: About how many?

17 MR. WILLIAMS: I'd say about 20.

18 MS. MATOIAN: Okay.

19 MR. WILLIAMS: And they asked me to go through.
20 They said, Look, we want you to go through this and show us
21 your crime partner. Show us who your crime partner who was
22 in the -- in the Bryson murder.

23 And I said, I don't have a crime partner. In
24 fact, I didn't even do it.

25 And they got mad. They said, Well, we know you've

1 got a crime partner. They said, And it's over.

2 I said, No. And it ended.

3 MS. MATOIAN: It was -- did they give you any
4 names?

5 MR. WILLIAMS: No. They just said, We know you
6 had to have one. They didn't give me no name. And they
7 just kept badgering me about it. And I -- I got tired and I
8 said, I can't identify anybody. And the interview was over.
9 I went back.

10 Sometime after that, a guy appeared that had
11 turned hisself in for the murder.

12 MS. MATOIAN: Okay.

13 MR. WILLIAMS: But I didn't know who --

14 MS. MATOIAN: When was that.

15 MR. WILLIAMS: I think it was like -- was it 13 --
16 maybe 18 months after I was at CP.

17 MS. MATOIAN: And about how many months after the
18 police came to you with this lineup?

19 MR. WILLIAMS: Oh, God. It was before he --
20 before I met him. So I don't know the exact time frame.

21 MS. MATOIAN: All right. So you met this person
22 who had turned himself in or you heard about him?

23 MR. WILLIAMS: At first I had heard about him. He
24 was already at CP getting processed and I had heard about
25 him from some guys in Winston.

1 MS. MATOIAN: Who?

2 MR. WILLIAMS: Oh, I can't remember the name.

3 It's -- because when you're -- when you're in and you got
4 people from around, you don't -- not names. Most people go
5 by nicknames, so it's hard to remember all those nicknames.

6 And I worked in the hospital there, so it was easy
7 for me to -- to actually see him because he had to come
8 through the hospital and get all yourself together. But
9 when he had got situated and got signed on the tunnel and
10 working, I was shown who it was.

11 And we -- actually, we didn't talk about the
12 murder at all. We just asked who he was and he told me.
13 And then I would see him every day and speak to him, but I
14 never would mention anything about the murder to him. I was
15 advised not to because we were waiting on a letter. I
16 actually was waiting on a letter from the DA to see what's
17 going to happen because after this -- after the interview,
18 the whole thing about what had happened with him talking to
19 the reporter that had that whole story and the fact that he
20 told that I wasn't his crime partner. And I waited and I
21 waited and nothing ever came from the DA.

22 MS. MATOIAN: Okay. So after the police come to
23 you with a lineup, you hear from people in Winston -- or
24 people from Winston first in CP, hey, there's another guy
25 here from Winston --

1 MR. WILLIAMS: Yes.

2 MS. MATOIAN: -- who confessed to your crime?

3 MR. WILLIAMS: Uh-huh. Yeah.

4 MS. MATOIAN: Okay. But you don't remember who

5 those guys are?

6 MR. WILLIAMS: No. It's just -- it's like a bunch

7 of them here. We just know each other --

8 MS. MATOIAN: Okay.

9 MR. WILLIAMS: -- from being on the same unit --

10 MS. MATOIAN: Okay.

11 MR. WILLIAMS: -- back from Winston.

12 MS. MATOIAN: And then he was pointed out to you?

13 MR. WILLIAMS: Uh-huh.

14 MS. MATOIAN: Did you approach him to talk to

15 him --

16 MR. WILLIAMS: No.

17 MS. MATOIAN: -- or did he approach you?

18 MR. WILLIAMS: We did -- it took us a while before

19 we even talked to each other.

20 MS. MATOIAN: Okay.

21 MR. WILLIAMS: We walked by --

22 MS. MATOIAN: Did he know --

23 MR. WILLIAMS: -- each other.

24 MS. MATOIAN: -- who you were?

25 MR. WILLIAMS: He didn't.

1 MS. MATOIAN: Okay.

2 MR. WILLIAMS: And I actually didn't know who he
3 was until he was pointed to me.

4 MS. MATOIAN: And what did he tell you about this
5 case?

6 MR. WILLIAMS: Actually, we didn't talk about
7 (inaudible) case. He just told me, you know, We're locked
8 up for the same thing. And then --

9 MS. MATOIAN: So how did he know you were locked
10 up for the same thing?

11 MR. WILLIAMS: Because when we met, somebody had
12 done talked to him. Because when he looked at me, he said,
13 I'm going to talk to you, and we talked. And he said, You
14 know I'm locked up in here for the same murder.

15 I said, What you mean the same murder?

16 He said, Bryson.

17 And I said, That's what I'm in here for.

18 He said, You're not my crime partner.

19 And we left it like that. Every day he'd go to
20 work and he'd see me and we'll speak, what's up, and just
21 keep going. We never argued about it or tried to interfere
22 in anything.

23 MS. MATOIAN: That was the extent of the
24 conversation, we're in here for the same crime, and Robbin
25 Carmichael said you weren't the guy I was with --

1 MR. WILLIAMS: Uh-huh.

2 MS. MATOIAN: -- that is it?

3 MR. WILLIAMS: That was it. No other --

4 MS. MATOIAN: And then --

5 MR. WILLIAMS: -- no other reaction. No other
6 interacting with each other.

7 MS. MATOIAN: Did you have a conversation with
8 each other about him doing something to help you out, like
9 writing someone --

10 MR. WILLIAMS: No.

11 MS. MATOIAN: -- telling someone?

12 MR. WILLIAMS: I actually stayed away from it
13 because doing things like that can start things. You'll end
14 up -- you'll end up trying to kill each other because people
15 don't see it that way, you know. They -- when you're in
16 here and you've got two people coming in for the same crime,
17 normally it's not exactly like it happens. Normally by the
18 time you have something back from the courts, one of the
19 question how this happened, especially if he's saying that's
20 not my crime partner.

21 And he wasn't -- he was actually -- he was
22 actually a kid. I was much older than he was. He was very
23 respectful. And he'd speak every time he'd see me. We
24 never crossed each other up or tried to, you know, talk
25 about it. I just kind of stayed to myself; he stayed to his

1 and -- but...

2 MS. MATOIAN: Before he's pointed out to you as
3 that guy is in here for the same crime as you, before you
4 have that conversation, had you ever heard anything about
5 anyone else being arrested, charged, convicted in the Bryson
6 murder?

7 MR. WILLIAMS: I heard somebody turned theirself
8 in. That just from people doing time.

9 MS. MATOIAN: Who did you hear that from?

10 MR. WILLIAMS: Guys doing time. But I never knew
11 until he -- that point when he got to CP that that really
12 was true.

13 MS. MATOIAN: Okay. So you heard it, you weren't
14 sure --

15 MR. WILLIAMS: No, I wasn't sure.

16 MS. MATOIAN: -- if that was true?

17 MR. WILLIAMS: No.

18 MS. MATOIAN: And then he gets to CP and someone
19 says, hey --

20 MR. WILLIAMS: That's --

21 MS. MATOIAN: -- that's the guy?

22 MR. WILLIAMS: -- Robbin Carmichael, yeah.

23 MS. MATOIAN: Okay. Did you ever hear the name of
24 his crime partner?

25 MR. WILLIAMS: No. It was -- it was given to

1 someone and it was never given to me.

2 MS. MATOIAN: So you don't know?

3 MR. WILLIAMS: No.

4 MS. MATOIAN: Who are any of the other people at
5 that prison that were involved in these conversations?
6 Anybody from Winston, anyone you can remember?

7 MR. WILLIAMS: No. It's -- all of us have
8 nicknames and -- and nicknames don't even pan out 'cause you
9 can go to another prison change and they end up --

10 MS. MATOIAN: Right.

11 MR. WILLIAMS: -- due to the environment. They do
12 that. You'll leave from here and you might start off as
13 Junior and you'll go over here and you become Sam. They
14 change names and it's -- it's to fit in each prison. I
15 really didn't know anything about his crime partner until
16 Zerwick told me about it.

17 MS. MATOIAN: Pause right before there.

18 After you've met Robbin Carmichael in prison and
19 prior to Phoebe Zerwick, what else happens with this?

20 MR. WILLIAMS: Nothing from my standpoint. I just
21 -- like I said, I waited to see if the DA would, you know,
22 come back and try to say something is wrong with the case.

23 MS. MATOIAN: And you're waiting for the DA to say
24 if there's something wrong from the case. Had you written
25 to the DA and said, hey --

1 MR. WILLIAMS: After --

2 MS. MATOIAN: -- here's the thing that happened?

3 MR. WILLIAMS: I was told that it would straighten
4 itself out, that the DA had normally did it. And I never
5 did. I went for years and years thinking about it. And
6 when I did decide to do this inquiry, that's when I took it
7 seriously that something is desperately wrong.

8 MS. MATOIAN: Okay. So -- but when you're saying
9 you're waiting for the DA, was that just waiting for you to
10 do something on his own, like because he knew Robbin
11 Carmichael had been convicted and you thought he'd do
12 something on his own?

13 MR. WILLIAMS: Yes. Because -- well, I shouldn't
14 have based it on that. I based it on a case from other
15 places that when something like that go on --

16 MS. MATOIAN: Okay.

17 MR. WILLIAMS: -- the DA would normally, you know,
18 reopen the case to -- to get to the bottom of it. But that
19 wasn't this case.

20 MS. MATOIAN: Okay. So you never heard anything
21 from the DA and you never contacted him yourself and said
22 there's this guy in prison --

23 MR. WILLIAMS: Uh-uh.

24 MS. MATOIAN: -- what's going on? Okay.

25 MS. TANNER: I have a few -- I have a few

1 questions.

2 MR. WILLIAMS: Okay.

3 MS. TANNER: Who advised you to leave it alone?

4 You said that I was -- you were advised to leave it alone.

5 MR. WILLIAMS: Some of the guys from Winston that

6 had been doing law work, they said, Just leave it alone.

7 The DA will --

8 MS. TANNER: Okay.

9 MR. WILLIAMS: -- end up getting in contact with
10 you.

11 MS. TANNER: And this was about 18 months after
12 you had been sent to prison that Robbin Carmichael showed up
13 at P --

14 MR. WILLIAMS: Showed up.

15 MS. TANNER: -- CP?

16 MR. WILLIAMS: CP, uh-huh.

17 MS. TANNER: Okay. These guys from Winston-Salem
18 that had -- they were -- these guys who told you about this
19 or who talked with you, they were from Winston-Salem?

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: When you say they're from
22 Winston-Salem, was that their county of conviction?

23 MR. WILLIAMS: Yeah.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: Because at CP they were, I guess at

1 that time, maybe close to maybe a hundred of us from
2 Winston-Salem scattered out --

3 MS. TANNER: A hundred of you for --

4 MR. WILLIAMS: -- scattered all out the place.

5 MS. TANNER: Did all hundred of them know that?

6 MR. WILLIAMS: No. Just a few that lived in the
7 neighborhood that actually know -- in east Winston, there's
8 about 25 of us from east Winston that, you know, know
9 each -- not what you say know each other, but we met each
10 other before in the streets. And we hung out sometime; we
11 played pool or go out and play volleyball. So other than
12 that, we stayed in different areas of prison.

13 MS. TANNER: Okay. You stayed in different areas
14 of the prison. So on your unit where you lived were there
15 any guys from Winston-Salem that pointed out to you this is
16 the guy Robbin Carmichael or I know somebody that's been
17 convicted of a crime?

18 MR. WILLIAMS: No. Most the guys that pointed out
19 worked in the tag plant at that time.

20 MS. TANNER: They worked in the tag plant --

21 MR. WILLIAMS: Yeah. I stayed in --

22 MS. TANNER: -- at that time?

23 MR. WILLIAMS: Yeah. I stayed in WRV building and
24 that's the guys worked specific jobs like the hospital --

25 MS. TANNER: Uh-huh.

1 MR. WILLIAMS: -- clerks or stuff like that.

2 MS. TANNER: So where did the guys in the tag
3 plant live? What unit did they live on?

4 MR. WILLIAMS: They lived at -- well, CP has like
5 dorms down -- called down the tunnel down where death row
6 was at.

7 MS. TANNER: Uh-huh.

8 MR. WILLIAMS: There were a bunch of places down
9 there and most of them lived down there.

10 MS. TANNER: Okay.

11 MR. WILLIAMS: But if you're in the WRV building,
12 you live past the hospital door. Go into the last jail --

13 MS. TANNER: Okay.

14 MR. WILLIAMS: -- and it's like, I think, three or
15 four stories.

16 MS. TANNER: So those guys that were convicted
17 from Winston-Salem who knew about Robbin Carmichael worked
18 at the --

19 MR. WILLIAMS: Tag plant.

20 MS. TANNER: -- tag plant?

21 MR. WILLIAMS: We all get together in the evenings
22 because we can go to the gym, play pool, work out on the
23 bags.

24 MS. TANNER: So they were in regular population?

25 MR. WILLIAMS: They were in regular population.

1 MS. TANNER: Right. They weren't in lockdown --

2 MR. WILLIAMS: No, uh-uh.

3 MS. TANNER: -- like Unit 1 or anything like that?

4 MR. WILLIAMS: No.

5 MS. TANNER: Okay. Do you remember the unit
6 number?

7 MR. WILLIAMS: No. Because all the unites have
8 changed now.

9 MS. TANNER: Okay. But none of them lived with
10 you --

11 MR. WILLIAMS: No.

12 MS. TANNER: -- in your unit? Okay.

13 MR. WILLIAMS: No. I don't -- I looked last
14 night. I tore my whole locker up looking for any kind of
15 notes I wrote and I couldn't find any. I got frustrated.

16 MS. TANNER: Sure.

17 MR. WILLIAMS: I didn't even put nothing back in
18 the bag. I had things still piled on my bed.

19 MS. TANNER: That's okay.

20 MR. WILLIAMS: I didn't even sleep in the bed last
21 night.

22 MS. TANNER: Who pointed him out to you? Who
23 pointed him out to you?

24 MR. WILLIAMS: It's one of the homeboys, but I
25 can't remember his name. His face I can remember, but his

1 name I can't remember.

2 MS. TANNER: Did he work at the tag plant?

3 MR. WILLIAMS: Yeah, he worked at the tag plant.

4 MS. TANNER: And his county of conviction was
5 Winston-Salem?

6 MR. WILLIAMS: Winston in Forsyth County.

7 MS. TANNER: Okay. Was he at CP the whole time
8 you were there?

9 MR. WILLIAMS: Yeah. He came -- well, actually,
10 he after me, a little after me, like a couple of months
11 after me and they put him in tag plant.

12 MS. TANNER: Is he about the same age as you?

13 MR. WILLIAMS: Oh, no.

14 MS. TANNER: Younger --

15 MR. WILLIAMS: He was younger than me.

16 MS. TANNER: Younger?

17 MR. WILLIAMS: Yeah.

18 MS. TANNER: And how long did he stay at CP?

19 MR. WILLIAMS: I don't know because I stayed at CP
20 for, I think, two and a half years.

21 MS. TANNER: Uh-huh.

22 MR. WILLIAMS: And I don't know if -- if he stayed
23 in longer than that or not.

24 MS. TANNER: Okay.

25 MS. MATOIAN: So before Phoebe Zerwick, what

1 details did you have about what Robbin Carmichael said he
2 did or his crime partner did?

3 MR. WILLIAMS: That he had robbed the house. He
4 had things that he had taken out the house. And he came
5 back and turned himself in --

6 MS. MATOIAN: Okay.

7 MR. WILLIAMS: -- for it. And that was -- he flew
8 over the cuckoo's nest because he turned himself in for it.

9 MS. MATOIAN: Well, you turned --

10 MR. WILLIAMS: That was very shocking.

11 MS. MATOIAN: -- yourself in for it.

12 MR. WILLIAMS: Well, no, I mean, if you got
13 somebody convicted, completely convicted, I wouldn't come
14 back and turn myself in. That was the strange part. And
15 everybody saying, What happened? Why he do that?

16 And then one of the guys said, Sometime it happens
17 like that. He said, That was your blessing. He said,
18 Because he's not crazy. He just -- he did what was right.
19 He know he did it. He turned himself in.

20 And I couldn't see anything -- I wasn't going to
21 mess with him about it. He's still young. Cleaned up,
22 being respectful. He got out -- he got out the system and
23 went to work. So I'm actually proud of him in a way, you
24 know, because he did -- even though he did it, he got out
25 and now he's not doing stupid stuff.

1 MS. MATOIAN: How do you know that? Are you in
2 contact with him?

3 MR. WILLIAMS: Nope. But I know people in
4 Winston. When I call -- I can always check on him when I
5 want to. I don't though. My first check when he did get
6 out is that he went to work. And I think he was working at
7 a big name store. Don't tell me. I know it. Oh, man.
8 Walmart.

9 MS. MATOIAN: Okay. Who do you talk to in --

10 MR. WILLIAMS: Over there at Walmart.

11 MS. MATOIAN: -- Winston-Salem right now?

12 MR. WILLIAMS: Nobody now.

13 MS. MATOIAN: No. Who were you calling when you
14 were checking on him?

15 MR. WILLIAMS: I wasn't. I had the old lady do
16 it. She does most of the things. I asked her to do it.

17 MS. MATOIAN: Is that Suzanne?

18 MR. WILLIAMS: Yeah.

19 MS. MATOIAN: Okay.

20 MR. WILLIAMS: That's how I knew about him being
21 at that point working. She said, I found some things where
22 she said he's at work someplace.

23 I said, Are you sure?

24 She say, He works.

25 I said, Okay. Because she was up in arms trying

1 to help me. But I don't know -- I don't think our
2 relationship is going to last too much longer. I think we
3 fixing to part our ways now.

4 MS. TANNER: Who did she talk to to find that out?

5 MR. WILLIAMS: I don't know. She stays on a
6 computer all day long just about. She's everywhere on the
7 computer.

8 MS. BOYER: Just so you know, you've been in
9 prison since 1986. Everybody does.

10 MS. MATOIAN: Everybody is.

11 MR. WILLIAMS: They are?

12 MS. BOYER: Yeah.

13 MS. TANNER: So it's the lady that you are with
14 now --

15 MR. WILLIAMS: Uh-huh.

16 MS. TANNER: -- that you are dating -- in a dating
17 relationship now, she is the one who is able to find out
18 what's going on with --

19 MR. WILLIAMS: Everything, yeah.

20 MS. TANNER: -- Robbin Carmichael.

21 MR. WILLIAMS: She can find him easily for me.

22 MS. TANNER: Okay.

23 MR. WILLIAMS: She --

24 MS. TANNER: Mr. Williams, did you ask her to find
25 out about Mr. Carmichael?

1 MR. WILLIAMS: No. She's a busybody. After she
2 found out what was going on, she just got to picking things
3 up, looking up stuff, asking questions.

4 MS. MATOIAN: Do you know what else she's done?

5 MR. WILLIAMS: No. I'm afraid -- I don't know
6 anything else she's done.

7 MS. MATOIAN: Okay. Have you --

8 MR. WILLIAMS: But I know she have done a lot of
9 good things. But -- oh, yeah. I'm meant to tell y'all,
10 too. I did find out the phone conversation that y'all
11 thought that we was talking about Raleigh, it actually was
12 talking about the Innocence Inquiry Commission. Picking it
13 out. I did know this, about four years ago after I came
14 back here, I met Suzanne and we was talking and we was
15 talking about possible chance of me getting out without the
16 committee. I told her I wanted to get out and try to start
17 a business and try to do something I've never done because
18 everything I've done, I failed at.

19 And in Wilkes County there was some land that she
20 had knew and some places and people that she knew that would
21 help me get started once I get out. She ran my whole
22 situation down to them.

23 And we had this one real estate agent. And his
24 only concern was, if you're going to get out, can you get
25 out. And she dropped the ball by telling him, Well, we pray

1 that the Innocence Inquiry Commission can help him get out.
2 And when she said that, it was the wrong thing because in
3 his mind is that he'd call you all and ask when I'd get out,
4 if I'm going to get out. And I told her to tell him to quit
5 digging in mess he got no business digging in. And that's
6 where that came from.

7 MS. MATOIAN: The conversations that Brian was
8 talking about --

9 MR. WILLIAMS: Uh-huh.

10 MS. MATOIAN: -- yesterday? Okay.

11 MR. WILLIAMS: Because he's -- he's bent on
12 finding your name, your office number in Winston so he can
13 come visit you, and he's dead set on contacting y'all.

14 MS. BOYER: That is (inaudible).

15 MR. WILLIAMS: I mean he is -- he doesn't --

16 MS. TANNER: But why? But why?

17 MR. WILLIAMS: Because his mind is that -- he
18 wants to help me, but his mind isn't -- he told me, he said,
19 I want to make sure that you have a chance of getting out.
20 He said, Because I am going to stand by and help you get
21 started. But in his mind he has to know there is a possible
22 chance that I get out. I keep telling him --

23 MS. MATOIAN: Why does he want to help you?

24 MR. WILLIAMS: Well, he -- I don't know if you
25 remember. Years ago in Wilkes County there was a dairy that

1 had a lot going on. And the milk prices got somewhat
2 tampered with. Milk went up, then it went down. But the
3 milk went up. And there was a large-scale investigation by
4 the federal government because it affected the whole country
5 of the -- because dairy was big.

6 Now, he was one executives in the company. And
7 when the whole thing went on and the feds got into it, he
8 got hit and he had to go -- he had to give up that position.
9 He had to go into the federal halfway house. And when I met
10 him, he didn't tell me, but when he came to visit me, he sat
11 me down. We started talking about how he went through what
12 I'm going through now. He said, I've been in prison, too.
13 He said, I've had to go to a halfway house and I started
14 back from scratch to get into the real estate business. And
15 he said, If I can help you, I'm going to help you. He said,
16 But you've got to make sure you're going to be out for me to
17 get with you and help you do this. So that's where all that
18 started.

19 MS. MATOIAN: I want to go back to Robbin
20 Carmichael.

21 MR. WILLIAMS: Yeah.

22 MS. MATOIAN: So when he comes to prison, had you
23 ever seen him before?

24 MR. WILLIAMS: No.

25 MS. MATOIAN: Did you know him --

1 MR. WILLIAMS: In the streets?

2 MS. MATOIAN: -- in Winston-Salem? Yeah.

3 MR. WILLIAMS: No.

4 MS. MATOIAN: No.

5 MR. WILLIAMS: Because I wouldn't -- he was young.
6 I couldn't be around him.

7 MS. MATOIAN: And how old were you in 1985?

8 MR. WILLIAMS: 29.

9 MS. MATOIAN: 29. Were you hanging out with
10 anybody who was a teenager?

11 MR. WILLIAMS: No.

12 MS. MATOIAN: Early 20s?

13 MR. WILLIAMS: No.

14 MS. MATOIAN: Okay. So did anybody from
15 Winston-Salem -- I know we talked about the DAs office. I'm
16 talking about the police department, I'm talking about
17 anybody.

18 MR. WILLIAMS: Uh-huh.

19 MS. MATOIAN: Did anyone from Winston-Salem, other
20 than the guys you're in prison with, ever come to you and
21 tell you that somebody else had come forward about this
22 crime?

23 MR. WILLIAMS: No.

24 MS. MATOIAN: No one, not the police, nobody?

25 MR. WILLIAMS: Uh-uh.

1 MS. MATOIAN: Okay. Tell me about Phoebe Zerwick.

2 MR. WILLIAMS: Well, she did -- 2004 she came to
3 visit me and she talked about the first case with Arthur
4 Wilson. Then she did a lot of things and now we talked and
5 everything. And then she moved on to the Bryson case and
6 she asked me about did I know that he turned himself in. I
7 told her I just heard that. She said that he did turn
8 himself in for murder. She said, I can't understand how
9 come you're doing time and he turned himself in.

10 So she did a spread. Before she left, she said,
11 I'm going to go ask to go visit him and actually talk to him
12 about it. She left and went to him.

13 On the second visit, she came back. She said, I
14 talked to him. He said you're not his crime partner. He
15 don't even know you, but he told me his crime partner's
16 name.

17 Now, she said that I have seen the guy and I know
18 who it is.

19 MS. MATOIAN: Phoebe saw the guy?

20 MR. WILLIAMS: Uh-huh. She said, But the thing is
21 I cannot give you his name. It's against the law for me to
22 give you his name. She said that how she seen him at, she
23 went looking and she found him in jail locked up --

24 MS. MATOIAN: Okay.

25 MR. WILLIAMS: -- on an armed robbery charge. By

1 law, she couldn't even go -- she said she can't even go to
2 (inaudible) with him. Because being a reporter, you can't
3 do things like that.

4 MS. MATOIAN: So she said that she talked to the
5 guy?

6 MR. WILLIAMS: She talked to Robbin.

7 MS. MATOIAN: Robbin. She got the name from
8 Robbin Carmichael?

9 MR. WILLIAMS: Uh-huh.

10 MS. MATOIAN: Came back to you and said I have his
11 name, but I can't tell you?

12 MR. WILLIAMS: She can't tell me.

13 MS. MATOIAN: Okay. And then did she go talk to
14 the other guy?

15 MR. WILLIAMS: No. She didn't talk to him. She
16 just informed me that she seen him --

17 MS. MATOIAN: Okay.

18 MR. WILLIAMS: -- and everything in jail.

19 MS. MATOIAN: She saw him --

20 MR. WILLIAMS: Saw him.

21 MS. MATOIAN: -- she didn't talk about a
22 conversation?

23 MR. WILLIAMS: No. No conversation. But she said
24 she couldn't give anything up. I had asked her, Why you
25 can't take it to the DA?

1 She said, No. I'm bound by some type of things
2 with the newspaper. She couldn't do anything. So...

3 MS. MATOIAN: So standing here today, do you know
4 the name of the guy that Robbin Carmichael said he committed
5 this crime with?

6 MR. WILLIAMS: No. At all. I don't know. I
7 tried to get her to even drop it on the floor like she
8 misplaced it so I could get it. She's was like, I can't do
9 that either because I know you got it. She said, I just
10 can't do it. She said, If you lose -- for -- there's
11 something in the law with them that they can't give names or
12 get involved in stuff, so I had to let it go.

13 MS. MATOIAN: Okay.

14 MS. TANNER: Did you contact anybody with the
15 information that she had provided you besides us?

16 MR. WILLIAMS: No. Actually, I started -- after
17 the Commission had started, I was leary because a lot of
18 people heard about the Commission. They -- they saying,
19 It's not going to work. They saying, They're going to hang
20 you out to dry, too. Said, they don't work but for the
21 State, so don't even write them.

22 It took me some time to actually start writing to
23 y'all. I had wrote -- I did probably four questionnaire
24 before I decided to mail one in because I was actually
25 scared because every time I'd do, they'd say y'all were part

1 of the court system and they don't write to you. That's not
2 the write place to go because everything they'll get is
3 prepared for the DA. And I didn't know anything until I had
4 got y'all parts of the law until a month and a half ago.
5 That's the first time I actually knew what you really did.

6 MS. MATOIAN: Uh-huh.

7 MR. WILLIAMS: Because I got the whole law that
8 was sent to me and I know what it is.

9 MS. MATOIAN: Have you -- I just want to be clear.
10 I think you know now that we are an independent agency and
11 everything we get is not just what is prepared by the DA.
12 We get everything and anything that we can.

13 Have you -- other than us, have you ever applied
14 to any other agencies?

15 MR. WILLIAMS: Before I applied to y'all, I
16 applied to that place in the -- what -- that's done by --
17 that Duke -- (inaudible).

18 MS. MATOIAN: The Wrongful Convictions Clinic at
19 Duke?

20 MR. WILLIAMS: Some kind of innocent project in
21 Duke. Chapel Hill or Duke. But they was off base. They
22 said, We don't have enough money to invest in such case as
23 yours and with such -- she had some words for that. I wish
24 I had of brought that letter out, too, to you.

25 MS. TANNER: Do you have that letter?

1 MR. WILLIAMS: Yes, I do.

2 MS. MATOIAN: Can you send it to us?

3 MR. WILLIAMS: I'll mail it to you.

4 MS. MATOIAN: Thank you.

5 MS. TANNER: Yes. And we'll make a copy and mail
6 it right back.

7 MR. WILLIAMS: Yeah. She said that -- she turned
8 it down because it was something that it was too old and
9 that they feel like they couldn't help me.

10 MS. TANNER: What was her name?

11 MR. WILLIAMS: It's a female. She be's -- she did
12 a lot of cases. She be's on TV. She be's in a spotlight
13 when she does her cases. Oh, God. In fact, she just did
14 some cases, the two brothers. I -- that got out. Mooms --
15 Mooms. I can't remember her name.

16 MS. TANNER: It sounds like Mooms?

17 MR. WILLIAMS: Uh-huh.

18 MS. BOYER: Is it --

19 MS. TANNER: Okay.

20 MS. BOYER: Okay.

21 MS. TANNER: Yeah. If we could get a copy of that
22 letter, that would be great.

23 MS. MATOIAN: And -- but to your knowledge, no one
24 has investigated the way that we're investigating? Like has
25 anyone come to talk to you in prison?

1 MR. WILLIAMS: No. She said -- she -- the letter
2 said that the invest -- some of the investigators went over
3 the case; they see nothing. And we don't have the time,
4 resource to look into it. And, actually, I had -- after
5 that, I got down on it and I didn't do anything.

6 And I was kinda shoved into writing y'all. I was
7 at Brown Creek. One of the guys talked to me and I said,
8 No, I'm not doing it. I came up here, I wanted to and I
9 went to another camp. And when I got to that camp,
10 everybody -- when I got there most people knew me. They
11 said, You need to get on the ball.

12 I said, For what? It's not going to happen.

13 They said, You created a mess. You need to go
14 ahead and straighten it out.

15 And I sat down for days writing just --

16 MS. TANNER: Yes.

17 MS. MATOIAN: Do you know somebody named Darren
18 Johnson?

19 MR. WILLIAMS: Darren. Darren, Darren, Darren.
20 No. See, a lot of names, people -- when you ask names, in
21 here, people go by nicknames, so the actual name won't ever
22 pop up.

23 MS. BOYER: Yeah.

24 MR. WILLIAMS: Because my name won't ever pop up.
25 They call me "Old Man" or "Uncle Junior," so that's the only

1 names I have.

2 MS. MATOIAN: Uncle Junior.

3 MS. TANNER: So now listen, did you do any kind of
4 research to try and figure out who that person was that
5 Phoebe Zerwick was talking about?

6 MR. WILLIAMS: No.

7 MS. TANNER: Because now, we all know how prison
8 works, right? You go from one camp to the other. You can
9 talk to people. You can find some things out.

10 MR. WILLIAMS: Actually, from camp to camp, you
11 can hear. I have people in here that's from Winston and we
12 talked about it and they know of Carmichael, but they
13 don't --

14 MS. MATOIAN: Not the other guy?

15 MR. WILLIAMS: -- have any clues who --

16 MS. TANNER: Who the other guy is?

17 MR. WILLIAMS: -- the other person was. Yeah.

18 MS. TANNER: Okay.

19 MR. WILLIAMS: In fact, I seen a couple came --
20 coming up here, when they see me come in, they -- one person
21 had come close and they were looking in that corner over
22 there, well --

23 MS. MATOIAN: Was that yesterday?

24 MR. WILLIAMS: No, this morning. And somebody --

25 MS. MATOIAN: Oh.

1 MR. WILLIAMS: -- said, I'm going to --

2 MS. MATOIAN: I saw some doing it --

3 MR. WILLIAMS: -- look, see who come here.

4 MS. MATOIAN: -- yesterday.

5 MR. WILLIAMS: Yesterday. Yeah, they was up here
6 yesterday peeping, just peeping.

7 MS. BOYER: I think that was like an actual like
8 good behavior field trip of just getting to walk past us.

9 MR. WILLIAMS: Y'all couldn't see it, but
10 (inaudible) up there yesterday, y'all -- y'all were like on
11 the camera up there. You can't see when you're sitting
12 right there, but all the superintendents was up in there.
13 The superintendent was looking at y'all while y'all sitting
14 there talking.

15 MS. BOYER: That's because they're from Raleigh.

16 MR. WILLIAMS: When I got -- so when I got out,
17 the superintendent was out there and he just looked. And I
18 didn't know what he was looking for. He started looking at
19 me and I walked on past him. He said, Williams, you all
20 right?

21 I said, Yeah.

22 He said, Well, how did --

23 MS. MATOIAN: Little tired.

24 MR. WILLIAMS: He said, How did it go?

25 I said, I don't know.

1 He said, Well, I hope you get out. He said, Who
2 are those people anyway?

3 MS. BOYER: Well, like he's never seen a female
4 before.

5 MR. WILLIAMS: Yeah. He don't know --

6 MS. MATOIAN: All right. Mr. Williams, did you
7 have any involvement in the murder of Blanche Bryson?

8 MR. WILLIAMS: No.

9 MS. MATOIAN: Did Sammy Mitchell?

10 MR. WILLIAMS: No.

11 MS. MATOIAN: Did Terry Smith?

12 MR. WILLIAMS: No.

13 MS. MATOIAN: Did Gadget, Anthony Venson?

14 MR. WILLIAMS: No.

15 MS. MATOIAN: The Anthony you know?

16 MR. WILLIAMS: No.

17 MS. MATOIAN: The Gadget you know?

18 MR. WILLIAMS: No.

19 MS. MATOIAN: Did Lester Davis?

20 MR. WILLIAMS: No.

21 MS. MATOIAN: Did George Thompson?

22 MR. WILLIAMS: No.

23 MS. MATOIAN: Did Thomas Thompson?

24 MR. WILLIAMS: No.

25 MS. MATOIAN: Okay. Did you do this crime with

1 Robbin Carmichael?

2 MR. WILLIAMS: No. I didn't even know him. I
3 still don't know him. As far as knowing, I know him when I
4 see him, but know him personally, no.

5 MS. MATOIAN: Do you and Mr. Carmichael have an
6 agreement where he comes forward and puts himself in the
7 murder --

8 MR. WILLIAMS: No.

9 MS. MATOIAN: -- and you get out and go free?

10 MR. WILLIAMS: No.

11 MS. MATOIAN: There's no agreement between the two
12 of you about what he's going to say and what you're going to
13 say?

14 MR. WILLIAMS: No. I don't know what that man
15 might say. He might throw me up under the bus, you know. I
16 don't know what he might say. The only thing I can know
17 what he told is Zerwick, and that was it.

18 MS. MATOIAN: Did Mr. Carmichael ever ask you to
19 talk to a lawyer for him?

20 MR. WILLIAMS: Uh-uh.

21 MS. MATOIAN: No. Okay.

22 MR. WILLIAMS: Uh-uh.

23 MS. MATOIAN: You go ahead. I'm going to go to
24 the bathroom.

25 MS. TANNER: Yeah. I'm going to go back to

1 Exhibit 56 really quick. And this is -- we've talked about
2 it, but when did you -- when did you make that writing?
3 Like when did you write it?

4 MR. WILLIAMS: God, I don't know.

5 MS. TANNER: Now, let's -- let's go back, step
6 back from like actual dates and times. Where were you when
7 you made that writing? Were you in jail? Were you in
8 prison? Like where were you located? Were you at the
9 police station?

10 MR. WILLIAMS: No.

11 MS. TANNER: Sorry.

12 MR. WILLIAMS: I don't know where I was at when I
13 wrote this.

14 MS. TANNER: Okay. What does that paper look
15 like? Like taking aside the writing out -- outside of it,
16 that form, have you ever seen a form like that anywhere else
17 before?

18 MR. WILLIAMS: No.

19 MS. TANNER: Okay. When was the last time you saw
20 that document besides just now?

21 MR. WILLIAMS: I can't remember the last time I
22 seen this document.

23 MS. TANNER: Okay. Where were you the last time
24 you saw that document?

25 MR. WILLIAMS: I think I was in jail. I'm not

1 sure.

2 MS. TANNER: In jail?

3 MR. WILLIAMS: Uh-huh.

4 MS. TANNER: Does that piece --

5 MR. WILLIAMS: I'm not sure.

6 MS. TANNER: -- of paper, the form itself, look
7 like a piece of paper you could get at the jail?

8 MR. WILLIAMS: It look like something like -- you
9 know, just some page numbers. I couldn't --

10 MS. TANNER: Okay. I don't want you to guess, but
11 I was just trying to see if we could figure out where that
12 paper come -- came from.

13 MR. WILLIAMS: You see these down here?

14 MS. TANNER: You're pointing to the pictures?

15 MR. WILLIAMS: Yeah.

16 MS. TANNER: Like the drawings. Sure.

17 MR. WILLIAMS: I know that's my drawing, but that
18 says "Wall."

19 MS. TANNER: Uh-huh.

20 MR. WILLIAMS: And I supposed it's been something
21 like the envelope.

22 MS. TANNER: Okay.

23 MR. WILLIAMS: So I would know I would draw on
24 this and have this on it.

25 MS. TANNER: Okay. Okay.

1 MR. WILLIAMS: So I had to -- that had to be in my
2 possession while I was in jail or something.

3 MS. TANNER: Okay. I really want to make sure I'm
4 clarifying with you because we've talked a little bit about
5 like things on the reports that you don't remember telling
6 police. And we understand that your position is that none
7 of this was accurate in the Blanche Bryson case. But I'm
8 interested in what are the facts that you independently told
9 police versus what are the facts that you're saying police
10 suggested to you? Do you understand the difference?

11 MR. WILLIAMS: Uh-huh.

12 MS. TANNER: Okay. So let's start with the first
13 part. What are the facts that you independently came up
14 with to tell police about Blanche Bryson?

15 MR. WILLIAMS: Things I have heard, I used that
16 because they were facts.

17 MS. TANNER: Sure, I understand. My question is
18 what were those things?

19 MR. WILLIAMS: The thing about the car. The thing
20 about overhearing she was coming home from a party. And
21 that -- some of the reports of how she had been robbed.
22 Stuff like that. Those are things that I had know a fact
23 because those things I heard from the radio and what I've
24 seen in newspapers and various things like around the
25 neighborhood --

1 MS. TANNER: Okay.

2 MR. WILLIAMS: -- and I used that.

3 MS. TANNER: How about the names that you put in,
4 were those names, any of them at any point, ever suggested
5 to you by the police?

6 MR. WILLIAMS: The only name was -- it's not
7 (inaudible), it's like -- you probably know the other person
8 that was in that had to be Sammy Mitchell. And when he said
9 that, then I started using his name.

10 MS. TANNER: Who said that?

11 MR. WILLIAMS: One of the detectives. I can't
12 remember his name.

13 MS. TANNER: Okay. Did you put Sammy Mitchell's
14 name in it before a detective used his name in the Blanche
15 Bryson murder?

16 MR. WILLIAMS: No. Because we talked about so
17 much before we actually start going out and riding around we
18 started talking about it.

19 MS. TANNER: Okay.

20 MR. WILLIAMS: And went on it and put him in that.

21 MS. TANNER: Okay. I know we've been here for two
22 days. So in preparation for yesterday, did you do anything?
23 So did you review any documents before you came to talk to
24 us yesterday?

25 MR. WILLIAMS: No.

1 MS. TANNER: Okay. How about today, did you --

2 MR. WILLIAMS: No.

3 MS. TANNER: -- review any documents? Okay.

4 Did you have any conversations with anybody before
5 you came to talk to us --

6 MR. WILLIAMS: No.

7 MS. TANNER: -- yesterday?

8 MR. WILLIAMS: No. I didn't want to talk to
9 nobody. I wanted them to leave me alone. Most of them are
10 scared of me anyway because I came in looking mad.

11 MS. TANNER: Okay.

12 MR. WILLIAMS: They said, What's wrong with you?

13 I said, I'm tired.

14 MS. TANNER: Did you --

15 MR. WILLIAMS: Everybody wanted to know what was
16 going on.

17 MS. TANNER: Sure. Did you do anything else to
18 get ready for us to come talk to you yesterday or today?

19 MR. WILLIAMS: No.

20 MS. TANNER: Okay. When we were talking about
21 Lieutenant and how you had this one story with Mitchell,
22 et al., and then this other story with Lieutenant, you said
23 that one of the reasons you backed off that first story is
24 because there was a female PI and they kind of figured out
25 that didn't -- wasn't right.

1 MR. WILLIAMS: Right.

2 MS. TANNER: Why did that cause you though to
3 change your story with the police?

4 MR. WILLIAMS: They weren't believing it. And
5 they always said, Well, something just ain't right about
6 this.

7 MS. TANNER: Who wasn't believing it?

8 MR. WILLIAMS: The police department. They wasn't
9 believing that. The detectives, they weren't believing it.

10 MS. TANNER: Okay.

11 MR. WILLIAMS: They knew something just wasn't
12 right.

13 MS. TANNER: Okay. So we looked at these drawings
14 and I know you said that these were not yours. But -- and
15 Exhibit 63 was not yours. So I'm going to show you
16 Exhibit 63 again. And what you said about that was you
17 would have just drawn the houses?

18 MR. WILLIAMS: Uh-huh.

19 MS. TANNER: What do these stars represent to you?

20 MR. WILLIAMS: I don't know.

21 MS. TANNER: Okay.

22 MR. WILLIAMS: The way -- they got them fixed so
23 far apart. I don't know if they're signifying houses.
24 Because you can see here, it's the same thing.

25 MS. TANNER: Okay. Okay. When you said you would

1 have just drawn the houses, what did you mean?

2 MR. WILLIAMS: If I was going to do it, I would
3 have probably just draw a square like that.

4 MS. TANNER: Okay. Like you pointed to in
5 Exhibit 62?

6 MR. WILLIAMS: Yeah.

7 MS. TANNER: Okay. Okay. Do you have anything to
8 else?

9 MS. MATOIAN: No.

10 MS. TANNER: Okay. Mr. Williams, this case is
11 going to be heard by the Commission --

12 MS. MATOIAN: Both cases.

13 MS. TANNER: Both cases. I'm sorry. The Bryson
14 case and the Arthur Wilson case are going to be heard by the
15 Commissioners at a hearing June 4th through 7th, okay. So
16 it's -- it's very different -- and I know Ms. -- Ms. Boyer
17 will talk to you as far as advising you, but our hearings
18 are very different than trials, okay. You are not entitled
19 to sit through the entire hearing.

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: We may and likely will call you as a
22 witness. We arrange that with the prison. We get an order.
23 That is -- we deal with that. Okay.

24 MR. WILLIAMS: Uh-huh.

25 MS. TANNER: So we'll have you there at a specific

1 time to testify. You are under oath. Okay. The hearings
2 are run by a superior court judge, but they are in a
3 boardroom. So it's like a room and everybody is sitting
4 around a table, okay. There are eight Commissioners, okay.
5 Our Commissioners are from every single area of the criminal
6 justice system.

7 You will be asked questions by the Executive
8 Director, who is my boss, okay. Mine and Catee's boss. She
9 presents the evidence. But then every one of those
10 Commissioners is allowed to ask you a question. Similarly
11 to how we are here today and you have signed a waiver and
12 said you're going to answer all the questions, that -- that
13 is how the hearing works, okay.

14 MR. WILLIAMS: Uh-huh.

15 MS. TANNER: At the end of the hearing, what the
16 Commissioners will vote on is whether there is sufficient
17 evidence of innocence to merit judicial review, okay. That
18 is not a decision that you are innocent. It is a decision
19 that you merit judicial review, okay. At that -- if the
20 decision is made that that is the case, you will then move
21 forward to a three-judge panel. And Catee and I, we start
22 to look like you because we then become witnesses, okay. We
23 do not control the three-judge panel at the Commission. We
24 simply turn over what we have found. And then the attorney
25 that is assigned to you or if you choose a different

1 attorney and the State, they are at the three-judge panel,
2 okay. But we produce our information evenly to the parties.
3 We are neutral. We do not get involved in any adversarial
4 part of the process, okay.

5 MR. WILLIAMS: Uh-huh.

6 MS. TANNER: I can't tell you when that would be
7 scheduled. I can only tell you that the Commission hearing
8 is scheduled June 4th through 7th.

9 MR. WILLIAMS: 4th through 7th.

10 MS. TANNER: So it is coming -- coming up, okay.

11 MR. WILLIAMS: All right.

12 MS. TANNER: The Commission's investigations are
13 confidential, as I know you've heard, even from you. We are
14 providing confidential updates to your attorney. So that is
15 the -- the place that we are at right now.

16 And then -- hold on. There's one more thing I
17 need to talk to you about. Yes.

18 In your case though, I will tell you because you
19 need to know that this is coming, there is someone who is
20 going to evaluate you, okay. Because, Mr. Williams,
21 frankly, there is a question here. You have implicated
22 yourself in multiple crimes --

23 MR. WILLIAMS: Uh-huh.

24 MS. TANNER: -- by some of these statements. And
25 so we have some questions about that. She will come by

1 herself. Her name is Dr. Kelley, okay. We will not be
2 here, okay. She is not a lawyer, okay. Like she's not --
3 she's -- she's here clinically to do that, okay.

4 The Commission does not seek any particular
5 opinion from an expert. We just seek to understand better.

6 MR. WILLIAMS: Yeah.

7 MS. TANNER: Okay.

8 MS. MATOIAN: Even if that opinion is that she has
9 no opinion.

10 MS. TANNER: Right.

11 MS. BOYER: And -- and the reason I won't be here,
12 even as your attorney, is that whenever you're meeting with
13 someone like that that's, you know, doing the evaluation,
14 having me there may just interfere.

15 MR. WILLIAMS: Uh-huh.

16 MS. BOYER: You will be more comfortable just with
17 her going through the questions and things like that. Does
18 that make sense?

19 MR. WILLIAMS: Uh-huh.

20 MS. BOYER: So as much as I like sitting here for
21 many days -- this is the strangest thing I've ever done as a
22 lawyer. I'm just going to tell you that.

23 MR. WILLIAMS: You don't be doing all the
24 questions.

25 MS. BOYER: I've never been this damn quiet. But,

1 no, so -- so since she's going to do an evaluation during
2 that, it's not appropriate for me to be there. Because
3 although, depending on what her opinion is, I would at some
4 point may possibly be able to call her as a witness --

5 MS. TANNER: Right.

6 MS. BOYER: -- and that's where the issue is, is
7 if she's doing an evaluation of you and I am present,
8 technically I'm a witness, and that just throws that whole
9 lawyer thing out the window.

10 MS. MATOIAN: Right.

11 MS. TANNER: Right.

12 MR. WILLIAMS: So where will this hearing be at?

13 MS. BOYER: In Raleigh.

14 MS. TANNER: The hearing is in Raleigh.

15 MS. BOYER: I will be present for the whole thing.

16 MS. TANNER: Yes.

17 MS. BOYER: And I will be quiet for four days of
18 it.

19 MS. TANNER: Yes.

20 MR. WILLIAMS: You can't say nothing?

21 MS. TANNER: No. So it is very --

22 MS. BOYER: I don't get to say anything.

23 MS. TANNER: -- it is just not adversarial as a
24 process, okay. It's just a very different process.

25 MS. MATOIAN: And we present everything.

1 MS. TANNER: All the things.

2 MS. MATOIAN: We always say good, bad, ugly,
3 whatever. Whatever we have found gets presented to the
4 Commissioners and they get to make that decision.

5 MS. TANNER: And that -- Catee brings up a good
6 point with that. Just so you know, as staff, that's who we
7 are, we do not draw any opinions for the Commissioners about
8 whether someone is guilty or innocent. We don't even draw
9 conclusions about the evidence. We just present it, okay.
10 And that is their job to draw the conclusions. So the panel
11 is a superior court judge, a defense attorney, a prosecuting
12 attorney, a sheriff. We have discretionary members who are
13 defense attorneys.

14 MS. MATOIAN: Uh-huh. We've got a victim's rights
15 advocate and some public members.

16 MS. TANNER: And some public members who can't be
17 attorneys.

18 MS. MATOIAN: Right.

19 MS. TANNER: So it is a very variety panel.

20 MS. BOYER: And as to your concern about Mr. Grace
21 being on the Commission, because of his relationship with
22 Mr. Tisdale, he will not be a part of any hearing at this
23 point that would relate to your case.

24 MR. WILLIAMS: Okay.

25 MS. TANNER: Do you know about Mr. Grace

1 independently?

2 MR. WILLIAMS: I had already knew that he -- he
3 was in the same office, they were working together.

4 MS. TANNER: Okay.

5 MR. WILLIAMS: And so I knew that. I had told --

6 MS. BOYER: Well, apparently they had discussed it
7 with Ms. Melton.

8 MR. WILLIAMS: Uh-huh.

9 MS. BOYER: And so -- so I had --

10 MS. MATOIAN: You had expressed a concern to
11 Ms. Melton --

12 MR. WILLIAMS: Uh-huh. Yeah. Because --

13 MS. MATOIAN: -- when she -- you --

14 MR. WILLIAMS: -- I had already knew, yeah.

15 MS. MATOIAN: -- signed a waiver and she passed
16 that on to me. So that was helpful, yes.

17 MR. WILLIAMS: Okay.

18 MS. BOYER: I was not aware of that conversation,
19 though when we were having it --

20 MS. MATOIAN: Okay.

21 MS. BOYER: -- this morning, she did say we've
22 already had this conversation.

23 MR. WILLIAMS: All right.

24 MS. MATOIAN: I'm sorry. I --

25 MS. BOYER: Oh, no. So -- so when we were talking

1 about the whole process and you said something a little bit
2 ago about everything that you've tried you failed at. Well,
3 and that's -- that's probably a bit of your depression. And
4 I want you to keep seeing your doctor and keep taking your
5 medication because that's going to be very important. This
6 is not easy. When you said that kind of felt a little beat
7 up yesterday, oh, yeah. I'd never want to be drilled by
8 three lawyers. I'm just telling you that right now. I was
9 put on the stand once as a witness and I wasn't even a bad
10 witness, okay. I just happened to, you know, provide some
11 information.

12 MR. WILLIAMS: Yeah.

13 MS. BOYER: And I never want to do that again.
14 But what it is is that, you know, here you have -- you've
15 written a letter. It has been accepted for an inquiry; it's
16 gone through a formal inquiry and you were given a hearing.
17 And so -- so as an attorney, I will never guarantee a result
18 in anything. I'm just going to tell you that. I've been on
19 juries, like, oh, this is not happening. So -- but what I
20 can guarantee you is that I will continue to work with you
21 through this process. And so it's all spelled out in that
22 statute how they do it and everything else. So I will come
23 see you in a couple of weeks and we're going to sit down and
24 just kind of talk about what the hearing process is. But
25 you know how all three of them were asking you questions?

1 MR. WILLIAMS: Uh-huh.

2 MS. BOYER: Yeah. Those are kind of legitimate
3 questions even though they're rough.

4 MR. WILLIAMS: No, I know. I understand that.

5 MS. BOYER: Oh, yeah. They are rough questions,
6 but --

7 MR. WILLIAMS: Can you write that date on that for
8 me when the next -- I'll go down. I guess I'll go back.

9 MS. MATOIAN: And I'll --

10 MS. TANNER: We will --

11 MS. MATOIAN: I'll copy this letter and send it
12 back to you just as soon as possible.

13 MR. WILLIAMS: And I'll send that other letter --

14 MS. MATOIAN: Yes, please.

15 MR. WILLIAMS: -- to you.

16 MS. TANNER: You do not need to be concerned about
17 arrangements for that.

18 MS. MATOIAN: Right.

19 MS. TANNER: We will -- we take the role of filing
20 any orders we need and communicating with DPS. They know --

21 MS. BOYER: You don't have to call them.

22 MS. TANNER: -- exactly how this works out.

23 MS. MATOIAN: Right.

24 MS. TANNER: So we get that all kind of arranged.

25 Okay.

1 MR. WILLIAMS: Uh-huh.

2 MS. BOYER: Can you read my handwriting?

3 MR. WILLIAMS: Uh-huh.

4 MS. BOYER: Okay. Well, you have to ask.

5 MR. WILLIAMS: So I'd have to go -- I'll have to
6 be transferred to another unit or do I come straight in?

7 MS. TANNER: That is -- well, the one thing we
8 can't control is the decision of DPS as to how to transport
9 you.

10 MS. MATOIAN: I don't believe it's --

11 MS. TANNER: I don't believe it's possible for you
12 to be transported the same day, but that is completely
13 within their discretion.

14 MR. WILLIAMS: Yeah. It's in their discretion how
15 to do it.

16 MS. TANNER: And so I can tell you that, you know,
17 I just don't know how that would be, but it's completely in
18 their discretion how to do that. And they don't even share
19 that with us, because as I'm sure you're aware, that is a
20 safety and security concern.

21 MR. WILLIAMS: Yeah, they don't.

22 MS. TANNER: Yep.

23 MR. WILLIAMS: They don't share it with nobody.

24 MS. BOYER: Oh, no, no. Well, because you always
25 get that one crazy person that knows that one crazy baby

1 mama somewhere so --

2 MS. MATOIAN: Right.

3 MS. TANNER: Yeah. So they've got to be careful
4 with that. But do you have any questions for us about the
5 process itself?

6 MR. WILLIAMS: No.

7 MS. TANNER: We can't give you legal advice, but I
8 can answer questions about the process.

9 MR. WILLIAMS: I'm probably more nervous than
10 anything.

11 MS. TANNER: Okay.

12 MS. MATOIAN: All they're going to ask of you
13 there is all that we've asked of you in the past few days,
14 which is that you answer things as fully and truthfully as
15 you can.

16 MR. WILLIAMS: As I can.

17 MS. MATOIAN: Uh-huh.

18 MS. BOYER: Even if you don't remember
19 something --

20 MS. MATOIAN: Right.

21 MS. BOYER: -- it's always better to say you don't
22 recall than try to -- because your brain will try to fill in
23 holes. I mean that's why eyewitness identification is so
24 flawed is because your brains sees something over here and
25 it tries to fill in holes. So if you don't recall, just say

1 you don't recall.

2 MR. WILLIAMS: All right.

3 MS. BOYER: Because it's been a while.

4 MR. WILLIAMS: Yeah.

5 MS. BOYER: And every one of those Commissioners
6 is also going to know that 1986 was a while ago.

7 MR. WILLIAMS: Yep. It's hard to remember them
8 things. I'm getting to learning now about how the smart
9 phones work.

10 MS. BOYER: How a smart phone?

11 MR. WILLIAMS: They have a -- like a printout --

12 MS. BOYER: That's okay. My mom is still --

13 MR. WILLIAMS: -- to show you how to do it. I
14 have never -- I never used a regular cell phone, so it don't
15 bother me.

16 MS. BOYER: Well, my cell phone was 1993 and it
17 was one of those huge bag phones that plugged into a car.

18 MR. WILLIAMS: Yeah.

19 MS. BOYER: That's because I had a car that
20 (inaudible), so -- and they got smaller and then they got
21 bigger and so, yeah. How are you feeling?

22 MS. MATOIAN: Okay.

23 MS. TANNER: All right. You know, we do need to
24 ask that wrap up question. Is there anything else about the
25 Bryson murder that we have not asked you that you believe

1 that you need to tell us about?

2 MR. WILLIAMS: No.

3 MS. TANNER: Okay.

4 MR. WILLIAMS: Not that I can remember.

5 MS. TANNER: Do you understand, sir -- I'm just
6 curious. Do you understand what the end result could be if
7 you were successful at the three-judge panel?

8 MR. WILLIAMS: Getting out.

9 MS. TANNER: Okay. Do you understand if there's
10 any other benefit to that?

11 MR. WILLIAMS: No. Getting out is my biggest
12 benefit.

13 MS. TANNER: Okay. Do you know about any other
14 benefit at all?

15 MR. WILLIAMS: (No verbal response.)

16 MS. TANNER: Okay. Okay.

17 (End of the recording.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the 171 pages of this transcript of the recorded interview of Merritt Williams Drayton was taken on April 11, 2019, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This the 23rd day of April 2019.



DONNA ROWE

EXHIBIT

1

Statement of: Merritt Williams Drayton ¹Address: 345 E Ninth StreetDate: 4-18-86 Time 1340Taken By: T.A. FreslonLocation: 725 N Cherry Street

1 I was asked by Terry Smith to attend a meeting at
2 Dunleith one of his houses along with Gadget, Lanny
3 Mitchell concerning some hits on people and breakings and
4 entering. In the meeting Terry Smith said he needed
5 someone to break into a house and get some papers for
6 him. At first I didn't want to go but we all agreed to.
7 Two days later we were taken by Terry Smith, me,
8 Gadget and Lanny Mitchell to a house on Gilmer Ave.
9 The house that I showed Officer Freslon and Officer
10 Dorn. Terry drove us there in his black Mercedes that
11 had tinted windows. We arrived he parked about
12 four houses from the one we went in. Once we
13 got there Terry and Lanny Mitchell walked in
14 front of me and Gadget went to the side of the
15 house. There was a truck parked in front of the
16 house next to it. There were no other vehicles nearby.
17 We got up on the front porch Terry opened the door.
18 I don't know how he opened the door. We didn't have
19 to force it open. When we went in Terry preceded
20 to the bedroom on the left hand side he called me into

Signed Merritt Williams DraytonDate 4/19/1986 Time 0049Witness T.A. FreslonWitness [Signature]Date 4.19.86 Time 0052000398
NCIC

Statement of: Merritt Williams Drayton ²
Address: 345 E Ninth Street
Date: 4-18-86 Time 2:46
Taken By: T.A. Pressland
Location: 725 N. Chicago Street

1 Start searching we checked drawers, under mattresses,
2 boxes etc. We were looking for anything of value
3 because the lady who lived at the house owned
4 Terry. During this time Sammy and Cadet were in
5 the living room. As I was searching a car
6 drove up. I heard it drive up. We had been in
7 the house about twenty minutes. It was I think
8 between 6:30 and 8 o'clock when we were at the
9 house. Terry told me to be quiet. We had heard
10 the car door slam. I didn't move and I stood by
11 the bedroom window. I heard someone come in the
12 front door. I heard a muffled sound like someone
13 had something over their mouth. I heard some
14 scuffling when it got louder I came out and
15 Terry came out of the bedroom. When I entered
16 the doorway of the living room I saw Sammy
17 with his hand around the lady's neck. He had a
18 object looked like a rope around the lady's neck.
19 Cadet was holding the lady from behind. He had
20 his hands. She was still scuffling but she looked

Signed Merritt Williams Drayton
Date 4/19/1986 Time 2:35

Witness T.A. Pressland

Witness J.K. Dunn

Date 04-19-86 Time 0235

000399
NCIC

Statement of: Merritt Williams Drayton 3
Address: 345 E North Street
Date: 4.18.86 Time 2340
Taken By: T.A. Fesseland
Location: 725 N Cherry Street

1 Like she was weakening. The lady had dropped to her
2 knees when Terry told me to go back to the bedroom
3 and continue searching. After a few minutes
4 I saw Gadget he was confronting me about
5 helping him with a TV. It was a floor model
6 TV. He had Lemmy to help him move the TV
7 to the hallway. During the time he was asking
8 me about the TV Terry became hysterical and
9 said let go. I want to go out the front
10 door Lemmy Mitchell was still in the living
11 room he asked me for one of the two telephones
12 I was wearing I gave him the telephone I didn't
13 stay to see what he was going to do with it I
14 then turned to go out the back way where I
15 had started. I pulled the door to as I went out
16 everyone else went out the front. I was on
17 the back porch when I saw some long shades I
18 wanted. I put them on the back step. I went
19 to the other side of the house I saw Sammy
20 and Terry walking up the street toward Terry's car.

Signed Merritt Williams Drayton
Date 4/19/1986 Time 2:35

Witness T.A. Fesseland

Witness [Signature]

Date 4-19-86 Time 0235

000400
NCIC

Statement of: Merritt Williams Drayton 4
Address: 345 E Ninth Street
Date: 4-18-86 Time 2340
Taken By: T.A. Freeland
Location: 725 N Cherry Street

1 I was looking for a way out. Terry and Sammy came
2 back and pulled around back of the house. The
3 front of the car was facing the back yard. Sammy
4 put the long shade in the trunk for me. I left
5 but before I did I saw Sammy go up on the
6 back porch. I remember before I left the house
7 through the back door I went to the front room
8 I saw the lady lying there. She wasn't moving.
9 When I left I unlocked the back door something
10 was funny about the door knob but I can't
11 remember what it was. As I left Sammy and
12 Terry were still at the back of the house. I went
13 behind the first house as I was going I jumped
14 over an object I remember hitting my head on
15 a clothes line. I went by an old garage out
16 to the street. As I was going out a car light
17 hit me I was standing by a post with a sign
18 I stayed there the car got closer it was Gabriel
19 he told me to jump in I bailed in from
20 the back. I jumped in through the window.

Signed Merritt Williams Drayton
Date 4/19/1986 Time 2:35

Witness T.A. Freeland

Witness [Signature]

Date 04-19-86 Time 0235

000401
NCHC

Statement of: Merritt Williams Drayton 5
Address: 345 E Ninth Street
Date: 4-18-86 Time 2346
Taken By: T.A. Fessler
Location: 225 N Cherry Street

1 behind the driver. The car was a Buick I
2 don't remember the color. Dad sat said the car
3 had been taken to be searched so I sat
4 settled in the back seat. There were car lights
5 that approached us all of a sudden. As we
6 drove off the car started following us. As we
7 crossed Patterson I got in the front seat.
8 I remembered some box, papers in the car.
9 The car followed us for two blocks or more
10 before it stopped. After we lost the car we
11 went to Terry's house on Patterson. I got out
12 Terry told Dad sat something he drove the car off.
13 Terry took me and Jimmy Mitchell back to
14 East Winton. I made two for helping. I saw
15 Terry say the other two I don't know how
16 much. After I seen the lady lying in
17 the floor we stayed in the house about
18 fifteen minutes and we left. Terry let me
19 out on 25th Street I got the long shades, they
20 are in my apartment on Ninth Street. The long shades

Signed Merritt Williams Drayton
Date 4/19/1986 Time 2:35

Witness T.A. Fessler

Witness J. J. [Signature]

Date 04-19-86 Time 0235

000402
NCHC

Statement of: Merritt Williams Drayton
Address: 345 E 11th Street
Date: 4-18-86 Time 2346
Taken By: T.A. Frieslon
Location: 725 N Cherry Street

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Signed Merritt Williams Drayton
Date 4/19/1986 Time 2:35

Witness T.A. Frieslon

Witness J. A. [Signature]

Date 04-19-86 Time 0235

000403
NCIC

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 1		

ITEM NO. 27
27 On 04-24-86 Det. R. A. Spillman and Det. R. N. Weavil picked up Anthony Q. Venson and transported him to the Detective Division. The writer was contacted by radio to come to that location. Upon arrival, an interview was being conducted with Anthony Venson by Det. Spillman and Det. Weavil. The writer received the Rights Waiver from Det. Spillman and Det. Weavil, which indicated that Anthony Venson waived his constitutional rights and was willing to talk to them about the Blanche Bryson homicide. In addition, a personal history report was received from both detectives that contained information about Anthony Venson. The interview conducted began at 1330 hours. At approximately 1430 hours Det. Weavil and Det. Spillman indicated that Anthony Venson informed them that he did not have any knowledge concerning the homicide on Gilmer Avenue. To exclude himself as a suspect, he agreed to take a polygraph examination that was administered to him by Det. B. M. Owens at 1454 hours. The examination was concluded at 1700 hours and Det. B. M. Owens advised the writer that it appeared that Anthony Venson was truthful in indicating that he did not have any knowledge or involvement in the homicide that occurred on Gilmer Avenue. The writer talked very briefly to Anthony Venson and he left the Detective Division.

If any further information is needed from Anthony Q. Venson, he can be reached at 725-7199 or at the residence located at 1050 Apt. E, Cleveland Avenue.

INVESTIGATION CONTINUING.

EXHIBIT

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2

28. REPORTING OFFICER T. A. Freeland 830-1665	CODE NO.	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST	<input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED	<input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING CODE NO. M.V. McCa 830-2060	32. REVIEWER [Signature] 800-797	CODE NO.	34. DATE 000486 04-25-86

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-11-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 1		

ITEM NO.	27
On 07-30-87, Merritt Drayton was tried for this homicide. At approximately 1800, the jury came back with a verdict of guilty of first degree murder.	
On 07-31-87, Merritt Drayton stopped the writer in the courtroom and stated to the writer that he would like to talk with me in the presence of his attorney, Kevin Mauney and Charles Redding.	
On 07-31-87 at approximately 1715, the writer met with Merritt Drayton, Charles Redding and Kevin Mauney.	
During Merritt Drayton's sentencing hearing, he stated while under oath, that a subject by the name of George Thompson was with him when Blanche Bryson was killed on 12-11-85.	
During the interview of Merritt Drayton, he again stated that George Thompson was with him on the night that Blanche Bryson was killed. Merritt Drayton described George Thompson as a black male approximately 5'10" tall, with long hair, dark skin, big eyes and a beard and mustache. George Thompson also has alias of George Williams and George Smith.	
Drayton stated that he and George Thompson broke into Ms. Bryson's house to obtain anything of value. According to Drayton, George Thompson owed money to Barry Whittington. Thompson's intentions on 12-11-85 were to get property and attempt to sell it or to obtain money which he would pay to Barry Whittington.	

28. REPORTING OFFICER. T. H. Hicks	CODE NO. 830-2117	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING CODE NO. 830-1065	32. REVIEW
28-4200-220-1		34. DATE OF THIS REPORT 000529 87 kch NCHC	

EXHIBIT

40

PENGAD 800-631-6989

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:	
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-11-85			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2	

COMPLAINANT NO.
584545

ITEM NO.	27
The writer asked Merritt Drayton who transported him and Thompson to Ms. Bryson's house. Drayton stated that they walked to the Bryson house.	
The writer then asked Drayton what he was planning to do with the television which had been moved from the den into the hallway. Drayton stated that he did not know what Thompson was planning to do with the t.v.	
At this point, the writer advised Drayton that someone had to have a car in the area because he was planning on removing the t.v.	
Drayton then advised the writer that Mattie Mae Davis' brother-in-law, Thomas Thompson, had transported him and George Thompson to Gilmer Avenue. At this point, Drayton stated that Thompson drove a Buick Electra 225. The writer asked Drayton what each person did when they arrived on Gilmer. Drayton stated to the writer that George Thompson and himself went into the back of Mrs. Bryson's house. The writer asked Drayton what Thomas Thompson did. Before Drayton could answer the writer's question, his attorney Kevin Mauney interrupted. Mr. Mauney advised Drayton to think about talking with the writer over the weekend before he made any further statements. At this point, the interview was terminated.	
INVESTIGATION CONTINUING	

28. REPORTING OFFICER. H. H. Hicks	CODE NO. 830-2117	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE		33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING [Signature]	CODE NO. 830-1675	34. DATE OF THIS REPORT 00053087 kch

POLICE DEPARTMENT

EXHIBIT

55

Supplement Report

3. COMPLAINANT / VICTIM

BRYSON, BLANCHE RAGINS

4. COMPLAINANT'S ADDRESS

2705 Gilmer Avenue

7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED

5. OFFENSE OR INCIDENT

Homicide

6. DATE OF ORIGINAL INCIDENT

12-10-85

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

1

2. ROUTING

COPIES

TO:

1. COMPLAINT NO.
584545

ITEM NO.

27

27

On 04-18-86 the writer was contacted by Lieutenant L. A. Stoakley at 1630 hours.

Lieutenant Stoakley stated that Merritt Drayton had requested someone to come

by the jail to see him. On the request, the writer went to the Forsyth County

Jail at 1645 hours and spoke briefly to Merritt Drayton. Drayton related to the

writer that he had some information concerning two homicides that he needed to talk

to somebody about. The two homicides he was making reference to was the

Witherspoon homicide and the homicide that occurred on Gilmer Avenue. Before talking

any further to Merritt Drayton, the writer went back to the Public Safety Building

and talked to Lt. L. A. Stoakley and Captain G. G. Cornatzer and advised them of

the request Merritt Drayton was making. The writer, along with Det. J. K. Dorn,

was advised to go back to the Forsyth County Jail and pick up Merritt Drayton, as

he requested, and talk to him further about these two homicides. As requested,

Merritt Drayton was picked up at the Forsyth County Jail and transported back to

the Public Safety Building, where he was interviewed upon his request.

At the Public Safety Building, the interview with Merritt Drayton began at 1735

hours. Present during the interview was Det. J. K. Dorn, Det. T. A. Freeland and

observing from another room was Lt. L. A. Stoakley. Even though this interview was

initiated by Merritt Drayton and because of the fact that he was in custody, he was

advised of his constitutional rights prior to talking about these two homicides.

See the attached Rights Waiver signed by Merritt Drayton and witnessed by Det.

T. A. Freeland and Det. J. K. Dorn, dated 04-18-86, time 1735 hours.

The interview with Merritt Drayton focused on the homicide that occurred on

11. REPORTING OFFICER

CODE NO.

T. A. Freeland 830-1665

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ INACTIVE

33. REFERRED TO

12. SECOND OFFICER

CODE NO.

J. K. Dorn 830-1675

31. SUPERVISOR APPROVING CODE NO.

32. REVIEWER

CODE NO.

34. DATE OF THIS REPORT

04-23-86/00
NCIC

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2		

ITEM NO. 27	27	Gilmer Avenue. Merritt Drayton stated that he attended a meeting at Terry Smith's house on Dunleith Avenue. The exact date he could not remember.
		He stated present at that meeting was himself, Sammy Mitchell, Terry Smith, and a subject by the name of Gadgett. The purpose of the meeting was to discuss hits on people and breaking and enterings. In the meeting Terry Smith was requesting those that were present at the meeting to break into a house and get some papers for him. A few days after the meeting Merritt Drayton stated that himself, along with Terry Smith, Sammy Mitchell and Gadgett went to a house on Gilmer Avenue. The house that Merritt Drayton is referring to was pointed out by him to Det. T. A. Freeland and Det. J. K. Dorn on the night of this interview. Merritt Drayton went on to say that on the night that they broke into the house on Gilmer Avenue they were transported to that location by Terry Smith in his black Mercedes, which had tinted windows. He stated that Terry Smith parked up the street from the residence, approximately 4 houses from the house they broke into. Merritt Drayton stated that himself, Terry Smith and Sammy Mitchell walked up to the front of the residence while Gadgett went to the side of the house. While standing behind Terry and Sammy Mitchell, Merritt Drayton stated he did not actually see how Terry Smith was able to open up the door, but he did state that they did not have to force the door open. When asked specifically if he could remember any other cars or vehicles being in the neighborhood, Merritt Drayton stated that he did observe a truck parked next door to the residence they had went into. When Drayton pointed out the house they had broken into on this night to Det. Dorn and Det. T. A. Freeland, he pointed to the second house from the corner.

After obtaining entry into the residence,

Drayton stated that himself, along with Terry Smith, went to a bedroom that was on

8. REPORTING OFFICER T. A. Freeland 830-1665		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO	
29. SECOND OFFICER J. K. Dorn 830-1675		31. SUPERVISOR APPROVING CODE NO. M. J. McLean 830-2000		32. REVIEWER CODE NO. F. J. Hall 800-227	
28-4200-220-1				34. DATE OF THIS REPORT 04-23-86 000505 NCR	

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 3		

ITEM NO. 27	27
the front of the residence just outside the living room area. He stated that himself, along with Terry Smith, was searching through some drawers, under mattresses, through boxes, looking for anything of value, because he indicated that the lady's residence they had broken into had owed Terry Smith some money. While they were conducting a search in that front bedroom, he went on to say that Gadgett and Sammy Mitchell were in the living room, searching. Merritt Drayton stated that while searching that residence a car drove up in the driveway and he indicated that it sounded like rocks or the car was running over some gravel. When specifically asked if he could remember the time that this occurred, he indicated that it had to be between 1830 and 2000 hours. He said they had been in the house about 20 minutes, prior to hearing the car drive up. After hearing a car door slam Merritt Drayton stated that Terry Smith told him to be quiet while they were in the bedroom. Drayton stated that he stood by the bedroom window, located on the front of the house. Drayton stated that he heard someone come in the front door and he heard what sounded like a muffled sound, which he indicated that someone had something over their mouth. He went further to say that he heard some scuffling in the living room and as it got louder, himself, along with Terry Smith came out of the bedroom. He stated himself, along with Terry Smith, looked into the living room and saw Sammy with his hands around a lady's neck and he had an object in his hands that he described as looking like a rope that was being held around the lady's neck. He went further to say that he saw Gadgett holding the lady's hands behind her. Merritt Drayton stated that he observed the two struggling with the lady and he indicated that he did observe her weakening. Drayton stated that at this time Terry told him to go back to the bedroom and continue his searching. He stated that he went back to the bedroom and left Terry Smith, Sammy Mitchell	

28. REPORTING OFFICER T. A. Freeland	CODE NO. 830-1665	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST	<input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED	<input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
29. SECOND OFFICER J. K. Dorn	CODE NO. 830-1675	31. SUPERVISOR APPROVING CODE NO. 830-2060	32. REVIEWER 830-797	CODE NO.	34. DATE OF THIS REPORT 04-23-86/bb 000506 NCIC

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 4		

ITEM NO. 27

27 and Gadgett with the lady. Drayton stated that after a few minutes he was called by Gadgett and was asked if he would help Gadgett move a TV set. He indicated that the TV set was a floor model. Merritt Drayton stated that he never did help move the TV set because Gadgett had gotten Sammy to help him move the TV to the hallway of the residence. While talking about the TV set, Merritt Drayton stated that Terry became hysterical and said, "Let's go." At this point, Merritt Drayton stated that he went towards the front door of the residence from the hallway and he observed Sammy Mitchell in the living room. He said that when he saw Sammy Mitchell, Sammy Mitchell asked him for one of the two toboggans that he was wearing. Drayton stated that he didn't know what Sammy was going to do with his toboggan. Drayton stated he then started heading towards the back door to the residence to leave. Before leaving the living room area, Drayton did say that he saw the lady lying in the front room and she was not moving. He indicated that he did not know if anybody had gotten anything from the residence, but he did remember seeing Terry Smith stick something in his coat pocket. Drayton further stated that as he was leaving the residence, he had some difficulty getting out the back door. He stated that he unlocked the back door and he indicated that something was unusual about the door knobs, however, he could not remember what it was. While leaving the residence, Drayton stated that he saw some headlights in the driveway and he ran in the direction of a one-way street, which he pointed out to us being 27th Street. While running from the residence, Merritt Drayton stated he remembered jumping over an object and in doing so, he struck his head on a clothesline. After Drayton pointed out the residence to Det. Freeland and Det. Dorn, and it was confirmed that this was the victim's residence, we did observe at that location a short fence in front of a clothesline that was in the direct path that Merritt Drayton

28. REPORTING OFFICER T. A. Freeland 830-1665		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE		33. REFERRED TO	
29. SECOND OFFICER J. K. Dorn 830-1675		31. SUPERVISOR APPROVING CODE NO. 830-2060		34. DATE OF THIS REPORT 04-25-86/bb NCHC	
		32. REVIEWER L. H. H. 830-2297			

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BYRSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:	
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 5	

1. COMPLAINT NO.
584545

ITEM NO. 27

27 stated he ran in on that particular night. Merritt Drayton then made the comment that the fence was apparently the object he had jumped, because he did remember striking his head on the clothesline, as he was jumping. Drayton went on to say that when he was running from the residence that he remembered passing an old white garage. Next door to the victim's house is a white garage. This garage is located southeast from the victim's residence, next to 27th Street. Drayton stated that he came out to a one-way street and stood by a telephone pole that had a caution sign for the next street, which he indicated was Patterson Avenue. He stated that as he had gotten out into the street that he saw a car that Gadgett was driving and that Gadgett hollered at him as he approached him. Drayton stated that as Gadgett got along side of him, he jumped through an open window behind the driver. Drayton stated that he remembered the car being a Buick, but he could not remember the color of the vehicle. Drayton stated that he first observed this car on 27th Street. Drayton went on to say that as they were pulling away from that location a car came up from behind and it appeared that the car followed them for a couple of blocks. After losing the car, he stated that Gadgett then took him to Terry Smith's house on Patterson Avenue and dropped him off. He stated then a conversation took place between Terry and Gadgett and Gadgett left in the lady's car. Merritt stated that Terry then took himself and Sammy Mitchell back to East Winston. The only thing Drayton could add further was that after the woman had entered the residence on Gilmer Avenue and the struggle took place in the living room, they stayed approximately 15 minutes before leaving. This summarizes the first statement taken from Merritt Drayton and the time it was concluded was 0049 hours. The writer re-read the statement that Merritt Drayton had given to him and he indicated at this time that the statement included all

REPORTING OFFICER T. A. Freeland 830-1665		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO	
SECOND OFFICER J. K. Dorn 830-1675		31. SUPERVISOR APPROVING CODE NO. J. K. Dorn 830-1675		32. REVIEWER J. K. Dorn 830-1675	
34. DATE 04-23-86		35. REPORT NO. 000508		36. NCIC	

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING TO: COPIES _____		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85		_____		
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 6		

ITEM NO.	27
27	of the facts that he knew about this case. He signed the statement, dated it 04-19-86, 0049 hours. The statement was witnessed by T. A. Freeland and Det. J. K. Dorn.
	In talking further to Merritt Drayton, and in reviewing the facts that have been stipulated in the statement, Merritt Drayton indicated that he needed to add something to the statement and clarify a few points. To include these points, another statement was taken from Merritt Drayton. We refer to this as Statement #2 and it included the following facts.
	Page #1 of the first statement and page #1 of the second statement are the same. Merritt Drayton stated that there was no change to be made on that page. When reviewing page #2 of the original statement, Merritt Drayton stated that he did not remember if he actually heard gravel as the car drove up. Therefore, that point was omitted in Statement #2. He did state that he did remember the car driving up and hearing a car door slam. In his second statement, Merritt Drayton stated that he did observe the lady drop to her knees before he was told by Terry Smith to return to the front bedroom and continue searching. A point that Merritt Drayton clarified in his second statement was: as he left the residence on Gilmer Avenue, by the rear door, he went to the back porch, where he saw two lampshades that he wanted. He stated he took these two lampshades and placed them on the back stoop of the residence. He then stated he went to the north side of the residence and observed Terry Smith and Sammy Mitchell heading in the direction of where they had parked Terry Smith's car prior to going into the residence. A few minutes later he stated that Terry Smith pulled his vehicle into the driveway,

REPORTING OFFICER T. A. Freeland	CODE NO. 830-1665	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE	33. REFERRED TO
31. SECOND OFFICER J. K. Dorn	CODE NO. 830-1675	32. SUPERVISOR APPROVING CODE NO. 830-2060	34. DATE OF THIS REPORT 000509
		32. REVIEWER 800 747	NCIC

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 7		

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<p>into the back of the residence on Gilmer Avenue, with the front end of the vehicle facing the back of the yard. Merritt Drayton then stated that Sammy Mitchell took the lampshades that he wanted and placed them in the trunk of the vehicle and he left them at that location. He stated that when he left that location, Sammy Mitchell was on the back porch of the residence. In a second statement, Merritt Drayton advises that Gadgett informed him that the reason he took the car was that it needed to be searched. The only additional facts included in Statement #2 that were not in Statement #1 was that Terry Smith paid him \$80 for his help in this breaking. Drayton stated that he saw Sammy Mitchell and Gadgett, also get paid for helping Terry Smith; however, he did not know how much they had received. The only additional information was that when Terry Smith took Drayton and Sammy Mitchell to East Winston and let them out, Merritt stated he got the lamp shades out of Terry Smith's vehicle.</p> <p>Statement #2 was concluded at 0235 hours. It was signed by Merritt Williams Drayton, dated 04-19-86. This statement was witnessed by Det. T. A. Freeland and Det. J. K. Dorn.</p> <p>At this point of the interview, two written statements have been obtained from Merritt Williams Drayton. In these two statements, they included all the facts that Merritt Drayton had related to the writer and Det. J. K. Dorn on this date. In addition, a taped interview of Merritt Drayton was obtained at 0242 hours. Present during this oral interview that was taped was Det. J. K. Dorn and Det. T. A. Freeland. This interview was transcribed by Senior Secretary Brenda Blackburn on 04-21-86.</p>	

28. REPORTING OFFICER T. A. Freeland 830-1665	CODE NO.	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
29. SECOND OFFICER J. K. Dorn 830-1675	CODE NO.	31. SUPERVISOR APPROVING CODE NO. M. V. M. 830-2060	32. REVIEWER CODE NO. L. A. H. 830-2060
28-4200-220-1		34. DATE OF THIS REPORT 04-23-86/bb NCHC	

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Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85		_____		
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 8		

[illegible]

1. REPORTING OFFICER T. A. Freeland 830-1665	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
25. SECOND OFFICER B. K. Dorn 830-1675	31. SUPERVISOR APPROVING CODE NO. [Signature] 830-2060	32. REVIEWER [Signature] 830-2060
28. APPROVING OFFICER [Signature] 830-2060	34. DATE OF THIS REPORT 04-23-86	35. NCIC

Statement of: _____

387

Address: _____

Date: _____

Time _____

Taken By: _____

Location: _____

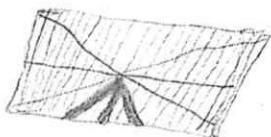


1 Members of GANG 100 COMPANY — (JAMES DRAXTON) ^{LARGE DEALER}
2 12 Member GANG. INCL. (6) ^{DEALER} HIT MEN (CART/WILLIS/ARCEZ) (PHIL) ^{BOSS OF}

3 Hits orders COMES FROM JAMES OR ^{CO TIME DEALERS} WHO DON'T PAY FOR THERE DRUGS
4 WITHERSPOON HAD GOTTEN \$750,000 WORTH OF DRUGS WITH ABOUT \$100,000
5 DONE, ON THE FACE OF POOR CHARLIE NAME/OR WORD.

6 JAMES HAS ORDERED HITS ON (6) PEOPLE INCL. POOR CHARLIE, HIS LITTLE GIRL,
7 TERRY WHILE HE WAS DOING TIME. / AND SOME POLICE OFFICERS IN
8 ~~MIAMI~~ MIAMI. WHICH THE MEMBERS HANDLE ABOUT 2.3 ~~million~~ million OF DRUGS
9 RE- WOOK FROM SOUTH CAROLINA / NORTH CAROLINA / MIAMI

10 I WAS SENT TO BREAKING THE HOUSE ALONG
11 WITH THOSE OTHER TWO PEOPLE WHO WAS THERE
12 THE REASON WAS THAT THE OLD LADIE OWNED
13 SOME MONEY & AND WE WAS TOLD TO BE CAREFUL OF
14 PAPERS.



Signed _____

Date _____

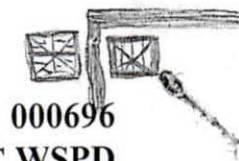
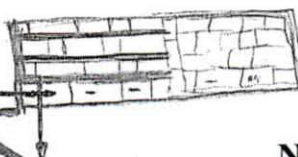
Time _____

Witness _____

Witness _____

Date _____

Time _____



000696

NCIC WSPD

POLICE DEPARTMENT

EXHIBIT

Supplement Report

3. COMPLAINANT / VICTIM

BRYSON, BLANCHE RAGINS

4. COMPLAINANT'S ADDRESS

2705 Gilmer Avenue

5. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED

PENGAD 800-831-6889

57

5. OFFENSE OR INCIDENT

Homicide

6. DATE OF ORIGINAL INCIDENT

12-10-85

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

1

2. COPIES ROUTING TO:

1. COMPLAINT NO.
584545ITEM NO.
27

The purpose for this Supplement Report is to include some additional information that was obtained from Merritt Drayton on 04-18-86 that was not included in his written or oral statements, obtained on that date. The information is basically some background information in reference to the residence on Gilmer Avenue.

Merritt Drayton stated that Terry Smith used the house on Gilmer Avenue to store money. He indicated that on two different occasions he had gone to that residence, once in 1983 and once since he has been paroled in October, 1985, to drop money off at that residence. The procedure he indicated was that he would be taken over there by Terry Smith, let out, told to go to the front door with a briefcase that he indicated would have money in it, leave it on the right hand side of the front porch, knock loudly on the door and when someone was heard coming towards the door he was told to leave. At no time did Merritt Drayton say he ever saw the person who lived at that residence. The reason for going to the residence on the night that Merritt Drayton indicated that the lady was killed was due to the fact that over a long period of time Terry Smith had pinpointed that he was missing money and suspected that the lady who lived at this residence was responsible for this shortage. Another additional reason for going to the residence on that night was not only to try to obtain things of value to make up for the shortage of the money, but also to look for some incriminating documents that Terry Smith indicated was in the residence. Merritt Drayton indicated that while he was in prison he served time with Terry Smith and Gadgett. During that time Terry Smith made some reference to the old lady on Gilmer taking some of his money. It was not until later that they had the meeting, after they were out of prison, at Terry Smith's house on Dunleith that plans were finalized to go to the residence

REPORTING OFFICER

CODE NO.

P. A. Freeland 830-1665

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ INACTIVE

33. REFERRED TO

31. SECOND OFFICER

CODE NO.

K. Dorn 830-1675

31. SUPERVISOR APPROVING CODE NO.

32. REVIEWER

CODE NO.

34. DATE OF THE REPORT

04-25-86/DB
NCIC

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2		

ITEM NO.	27
27	on Gilmer Avenue.

This background information, along with the information that is included in the written statements and oral statements of Merritt Drayton are all the facts that were related to us by Merritt Drayton on 04-18-86.

Throughout the interview with Merritt Drayton, he kept indicating that he was familiar with the house on Gilmer Avenue, that he kept referring to. Therefore, Det. T. A. Freeland and Det. J. K. Dorn requested Merritt Drayton to take us to the residence where this offense occurred. Since Merritt Drayton was familiar with Terry Smith's residence on Patterson Avenue, near 27th Street, it was decided that this would be the location where Merritt Drayton would start from in telling us which route to take to the house on Gilmer Avenue. Merritt Drayton indicated that he remembered turning off Patterson Avenue onto a one-way street, when they went to the residence on that night on Gilmer Avenue. Terry Smith's residence is located on the 2600 block of Patterson Avenue. Once we reached that location, Merritt Drayton directed us towards 28th Street, where he told us to make a left hand turn. Once we reached Gilmer Avenue we were once again told to make a left hand turn. We proceeded up Gilmer Avenue, which was the 2700 block, until we reached the area near the Bryson residence. At this time Merritt Drayton recognized something very familiar about the Bryson residence. He remembered the porch and the front door that had glass panes in it. Drayton then told us to pull up into the gravel driveway of the residence. After pulling up to the rear of the residence, Drayton specifically pointed out the back door of the residence and stated that that was the door he had exited from on that night. He then

REPORTING OFFICER T. A. Freeland 830-1665	CODE NO.	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE	33. REFERRED TO
29. SECOND OFFICER J. K. Dorn 830-1675	CODE NO.	<input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED	
31. SUPERVISOR APPROVING CODE NO. M. J. McCall 830-2060		32. REVIEWER L. J. Harty 830-2047	34. DATE OF REPORT 04-23-86/ab

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 3		

ITEM NO.	27
27	<p>pointed to a small fence that was in front of a clothesline and stated that must have been the object he had to jump, because he did remember striking his head on a clothesline, which is only a few feet away from that fence. He said, "That must be the clothesline I hit on that night." After Drayton pointed out all these things, we then left the residence on Gilmer Avenue. As we turned off Gilmer Avenue onto 27th Street, Drayton then pointed out the location where he ran to prior to being picked up by Gadgett. He pointed to the telephone pole that he was standing by prior to being picked up by Gadgett. The direction that Drayton had ran in and where he came out onto 27th Street, there is a garage and a concrete driveway that he had referred to prior to being taken to that location. When Drayton saw the garage and the concrete driveway, he stated to us that's where he came out.</p> <p>After leaving the residence on Gilmer Avenue, Drayton was then transported back to the Public Safety Office, where written statements were obtained from him.</p> <p>At the conclusion of the interview, Merritt Drayton indicated to Det. Dorn and Det. Freeland that the second toboggan that he was wearing on the night this offense was committed, he had at the Forsyth County Jail. Merritt Drayton stated that the detectives could have this toboggan if they wanted it. Upon the conclusion of the interview at 0345 hours, the writer, along with Det. J. K. Dorn, transported Merritt Drayton back to the Forsyth County Jail. At that location, the writer, along with Deputy B. R. Robins escorted Merritt Drayton back to his cell. Prior to leaving, Drayton asked the writer if I wanted the toboggan he had referred to earlier. My response was if he didn't mind giving it up, I would like to have the</p>

REPORTING OFFICER T. A. Freeland 830-1665	CODE NO.	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE	33. REFERRED TO
SECOND OFFICER J. K. Dorn 830-1675	CODE NO.	31. SUPERVISOR APPROVING CODE NO. 830-2060 <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED	34. DATE OF THIS REPORT 04-25-86 DD NCIC

Supplement Report

I.COMPLAINT NO
584545

INVESTIGATION CONTINUING.

88-4200-230.1

04-23-86

Would you Please Call the
Police Detective (or) Someone
Mr. Dorn. Are Richard.

I WAS TOLD IF MY LIFE ARE FAMILY
LIVES BECOME IN DANGER TO CALL
I WAS TOLD TODAY THAT MYSELF
ARE WIFE WAS GOING TO BE KILL
AND WHATEVER COULD BE TO NOT
ARE ME SO I COULD TALK ANY-
MORE.

Merrill William Dayton

PLEASE HELP US PLEASE

Contacted Ireland via P.D. Com.

4-19-86

1600 hrs

Sgt J. Andrew



000396
NCIC



Statement of: Merritt Williams Drayton 1
Address: 345 E Ninth Street
Date: 4.18.86 Time 2340
Taken By: T.A. Freslon
Location: 725 N Cherry Street

1 I was asked by Terry Smith to attend a meeting at
2 Dunleith one of his houses along with Gadget, Lommy
3 Mitchell concerning some hits on people and bookkeeping and
4 entering. In the meeting Terry Smith said he needed
5 someone to break into a house and get some papers for
6 him. At first I didn't want to go but we all agreed to.
7 Two days later we were taken by Terry Smith, me,
8 Gadget and Lommy Mitchell to a house on Gilmore Ave.
9 The house that I showed Officer Freslon and Officer
10 Dorn. Terry drove us there in his black Mercedes that
11 had tinted windows. We arrived to parked about
12 four houses from the one we went in. Once we
13 got there Terry and Lommy Mitchell walked in
14 front of me and Gadget went to the side of the
15 house. There was a truck parked in front of the
16 house next to it. There were no other vehicles nearby.
17 We got up on the front porch Terry opened the door.
18 I don't know how he opened the door. We didn't have
19 to force it open. When we went in Terry preceded
20 to the bedroom on the left hand side he called me into

Signed Merritt Williams Drayton
Date 4/19/1986 Time 0049

Witness T.A. Freslon
Witness [Signature]
Date 4.19.86 Time 0052

000404
NCIC

Statement of: Merritt Williams Drayton 2
Address: 345 E Wint Street
Date: 4 18 86 Time 2340
Taken By: T.A. Fressland
Location: 725 N Cherry Street

1 Start Searching We checked drawers, under mattresses,
2 boxes etc. During this time Lemmy and Gadget
3 Were in the living room As I was searching,
4 a car drove up in the driveway it sounded like
5 Rock, a car running over gravel. We had been in
6 the house about twenty minutes. It was I think
7 some time between 6:30 and 8 o'clock when we were
8 at the house. Terry told me to be quiet we were
9 in the bedroom. We had heard the car door slam.
10 I didn't move I stood by the bedroom window. I heard
11 someone come in the door. After the person came in
12 the front door I heard a muffled sound like someone
13 had something over their mouth. I heard some scuffling.
14 When it got louder I came out and Terry came
15 out of the bedroom. When I entered the doorway
16 of the living room I saw Lemmy with his hand
17 around the lady's neck he had a object looked like
18 a rope around the lady's neck. Gadget was holding
19 the lady from behind. He had her hand. She was
20 still struggling but she looked like she was weakening.

Signed Merritt Williams Drayton
Date 4/19/1986 Time 0049

Witness T.A. Fressland

Witness [Signature]

Date 4 19 86 Time 0052

000405
NCIC

Statement of: Merritt Williams Drayton 2
Address: 345 E North Street
Date: 4.18.86 Time 2340
Taken By: T.A. Fressland
Location: 725 N. Charity Hired

1 Terry told me to go back to the bedroom and
2 continue searching. I left the three of them
3 with the lady. After a few minutes I saw
4 Gadget he was confronting me about helping him
5 with a T.V. It was a floor model TV. He
6 had Sammy to help him move the TV to the
7 hallway. During the time he was asking me about the
8 TV Terry became hysterical and said lets go. I
9 went to go out the front door Sammy Mitchell
10 was still in the living room he asked me for one
11 of the two telephones I was wearing I gave him
12 the telephone I didn't stop to see what he was
13 doing to do with it I then turned to go out
14 the back way where I had started. I don't know
15 if anyone got anything Terry did stick something in
16 his coat pocket. When I went to the front
17 room before leaving I saw the lady lying in the
18 front room. She wasn't moving. I went out the
19 back door. I unlocked the back door something
20 was funny about the door knob but I can't

Signed Merritt Williams Drayton
Date 4/19/1986 Time 0049

Witness T.A. Fressland

Witness [Signature]

Date 4.19.86 Time 0052

000406
NCIC

Statement of: Merritt Williams Drayton 4
Address: 345 E Ninth Street
Date: 4-18-86 Time 2340
Taken By: T.A. Fresken!
Location: 725 N Cherry Street

1 Remembered what it was. When I got down on the
2 porch there was a light from a car in the
3 driveway. I started to run across the yard to
4 the next house. I jumped on an object and hit
5 something. It was a clothes line. I then ran up
6 beside an old building to a garage in a yard next
7 to the house we had went in. I came out on
8 a one way street and I went up to a telephone
9 post and it was a cautious sign for the next
10 street Patton Avenue. As I got out in the
11 street I saw a car Gadget was driving it he
12 hollered at me he told me to get in the car.
13 I jumped through the window behind the driver
14 the car was a Buick. When I first saw it
15 the headlights were facing toward me at an angle
16 where he had pulled off the street where the lady
17 lives. Gadget told me the car had been taken
18 to be searched for the papers Terry was looking for.
19 As I got settled in the back seat there were
20 car lights that approached us ^{all} ~~one~~ ^{of} ~~the~~ a sudden.

Signed Merritt Williams Drayton
Date 4/19/1986 Time 0049

Witness T.A. Fresken!

Witness [Signature]

Date 4-19-86 Time 0052

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NCHC

Statement of: Merritt, Williams Drayton 5.
Address: 345 E Ninth Street
Date: 4-18-86 Time 2240
Taken By: T.A. Friesland
Location: 725 N Cherry Street

1 As we drove off the car started following us.
2 As we crossed Patterson I got in the front
3 seat. I remembered some bags, papers in the
4 car. The car followed us for two blocks or more
5 before it stopped. After we lost the car we
6 went to Terry house on Patterson. I got out
7 Terry told Gidget something, he drove the car off
8 Terry took me and Sammy Mitchell back to
9 Pat Winston. After I seen the women lying on the
10 floor we stayed in the house about fifteen minutes
11 and then left.
12
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15
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Signed Merritt Williams Drayton
Date 4/19/1986 Time 0049

Witness T.A. Friesland

Witness [Signature]

Date 4-19-86 Time 0052

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NCHC

tion, Your

that.

Do you want

- 21 A. No, sir.
- 22 Q. Do you know how old he is?
- 23 A. Approximately 29.
- 24 Q. Do you know what his educational level is?
- 25 A. He graduated from high school in South Carolina and

EXHIBIT

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- 1 he attended two years of college.
- 2 Q. And I believe that was at South Carolina State; is
- 3 that correct?
- 4 A. I don't recall the school.
- 5 Q. During your conversation with him did he ever express
- 6 a desire to stop talking to you?
- 7 A. No, sir.
- 8 Q. Did his answers make sense to you, Ms. Hicks?
- 9 MR. REDDEN: I object to that, Your Honor.
- 10 A. Yes, sir.
- 11 COURT: Well, do you want to rephrase that?
- 12 Q. Did you have any trouble understanding his answers?
- 13 A. No, sir.
- 14 Q. Did you -- did you take a statement from him on that
- 15 occasion?
- 16 A. Yes, sir.
- 17 Q. And was the statement written out?
- 18 A. Yes, sir.
- 19 Q. And would you read that statement to the Court,
- 20 please?
- 21 A. This is a statement of Merritt Williams Drayton,
- 22 4-24-86, 1920. "Terry's Lieutenant has been to the house on
- 23 Gilmer Avenue before. He saw me on 19th Street and asked me
- 24 if I wanted to make some money. I told him, 'Yeah.' We got
- 25 together and that was the first of the month, December. It

71

(Hick: Weevil) and

- 1 was not late at night. Before going there, we stopped at
- 2 The Game Room on Glenn and shot some pool. When it got
- 3 dark, we went over to -- excuse me -- over on Gilmer Avenue.

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Officer Weavil and

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g to Mr. Drayton on
Mr. Drayton or any of
Mr. Drayton?

21 A. This is a statement of Robert William Drayton,
22 4-24-86, 1920. "Terry's Lieutenant has been to the house on
23 Gilmer Avenue before. He saw me on 19th Street and asked me
24 if I wanted to make some money. I told him, 'Yeah.' We got
25 together and that was the first of the month, December. It

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1 was not late at night. Before going there, we stopped at
2 The Game Room on Glenn and shot some pool. When it got
3 dark, we went over to -- excuse me -- over on Gilmer Avenue.
4 We broke in through the back door. Lieutenant used a little
5 piece of metal to pound. He opened the back door. We went
6 to the room that had a TV in it. The first thing we got was
7 the TV. We put it in the hallway and we heard her drive up.
8 She drove up into the driveway, not far. She opened the
9 front door and came in. Me and the Lieutenant were in the
10 back part of the house. She came in and did something in
11 the front room. She came toward the kitchen from the
12 hallway -- from the living room. I believe she saw the TV.
13 The Lieutenant jumped out and grabbed her. She tried to run
14 to the front door. He grabbed her. I helped trip her leg.
15 The Lieutenant was -- the Lieutenant went off. He choked
16 the lady with an object. I am not sure what it was. I held
17 her arms and stuff while he choked her. After he finished,
18 I can't say she was dead, but she was still. She was close
19 to the -- I'm not sure what that word is -- "door. He
20 tried to move her. After that I got beside of him. I
21 last -- I lost my toboggan. He moved her away from the
22 door. The Lieutenant got the woman's pocketbook. I don't
23 know where he got it from. He started searching through it
24 and stuff. He got something. I don't know what it was. He
25 said, 'Let's go.' We left the house. I went out the back

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1 door. Someone next door saw me. I don't know if it was a
2 man or a woman. The Lieutenant got in the lady's car that
3 was parked in the driveway. I started toward 27th Street.

72 door. He started searching through it
23 know where he got it from. He started searching through it
24 and stuff. He got something. I don't know what it was. He
25 said, 'Let's go.' We left the house. I went out the back

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Mr. Drayton or any of
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1 door. Someone next door saw me. I don't know if it was a
2 man or a woman. The Lieutenant got in the lady's car that
3 was parked in the driveway. I started toward 27th Street.
4 I jumped over something and hit the clothesline with my
5 head. Then I went through the backyard next door, passed a
6 garage to 27th Street. I stood by a telegram post until the
7 Lieutenant came and picked me up. I didn't know for sure he
8 was going to pick me up. He pulled over. I ran around the
9 front of the car and jumped in. I got in the front door."
10 Excuse me. "I got in the front seat. He pulled off. This
11 car started following us. We got to Patterson. We went" --
12 excuse me. "We turned right. We turned in one other
13 street. We went up about three blocks and I got out. I was
14 scared. He was acting crazy. The street he let me out was
15 close to The Game Room. I never saw the car anymore. The
16 Lieutenant had been to the house before. He know the lady
17 real good. He had talked about her a lot. Terry didn't
18 like this, Lieutenant messing with older woman. I didn't
19 get anything for helping the Lieutenant."

20 And it's signed Merritt Drayton. The date is 4-24-86
21 and witnessed by T. A. Freeland and T. H. Hicks, 1922 hours.

22 Q. Now, I believe that statement is three pages long; is
23 that correct?

24 A. Yes, sir.

25 Q. Do you have that with you?

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proximately an hour
he statement from.

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1 (Document handed to Mr. Saunders and he marked it
2 for identification. The document was shown to defense
3 counsel.)

4 MR. MAUNEY: Three pages?

5 MR. SAUNDERS: Yeah.

POLICE DEPARTMENT

EXHIBIT

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Supplement Report

3. COMPLAINANT / VICTIM

BRYSON, BLANCHE RAGINS

4. COMPLAINANT'S ADDRESS

2705 Gilmer Avenue

7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED

5. OFFENSE OR INCIDENT

Homicide

6. DATE OF ORIGINAL INCIDENT

12-10-85

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

1

2. ROUTING TO:

COPIES

TO:

1. COMPLAINT NO.
584545

ITEM NO.

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On 04-24-86 in the afternoon, Merritt Drayton was interviewed by Det. R. A. Spillman and Det. T. H. Hicks in reference to the Bryson homicide. Prior to the interview, Det. T. H. Hicks advised the writer that he was advised of his constitutional rights, which he waived. For additional information, see the Supplement Report of the detectives involved in this interview. When questioned specifically about the subject named Gadgett that Drayton had referred to earlier as being involved in this case, he indicated to Det. Hicks and Spillman that this subject was not involved in this case. In addition, he stated further that Terry Smith and Sammy Mitchell were also not involved. After these points were established, Det. Freeland and Det. Hicks then interviewed Merritt Williams Drayton. After talking very briefly to Merritt Drayton, he indicated to Det. T. A. Freeland and Det. T. H. Hicks that he was going to tell the truth about this case. A written statement was obtained from Merritt Williams Drayton on 04-24-86 that began at 1820 hours. In this statement it included all the facts concerning the Blanche Bryson homicide that Merritt Drayton related to Det. Hicks and Freeland. Not only was a written statement obtained from Merritt Drayton, but a verbal statement was also taped that included the facts. For details see both the written statement, signed and dated by Merritt Williams Drayton, and the transcribed oral statement. A point of fact is that the written statement began at 1820 hours and ended at 1922 hours and the oral statement that was put on tape began at 1924 hours and ended at 1935 hours.

Prior to taking Merritt Drayton back to the Forsyth County Jail, he was asked to look through some IDMO file pictures, to see if he could pick out the subject he implicated as being with him on the night this offense occurred. Merritt Drayton

REPORTING OFFICER

CODE NO.

T. A. Freeland 830-1665

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ EXCEPTIONALLY CLEARED☐ INACTIVE☐ SERVICES RENDERED

33. REFERRED TO

28. SECOND OFFICER

CODE NO.

K. Dorn 830-1675

31. SUPERVISOR APPROVING CODE NO.

M. V. McCall 830-2060

32. REVIEWER

CODE NO.

[Signature]

34. DATE

000484
04-28-86/bb

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM

BRYSON, BLANCHE RAGINS

4. COMPLAINANT'S ADDRESS

2705 Gilmer Avenue

7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED

5. OFFENSE OR INCIDENT

Homicide

6. DATE OF ORIGINAL INCIDENT

12-10-85

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

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2. COPIES ROUTING TO:

1. C. NO. 584545

ITEM NO.

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was unable to positively pick out anyone in the pictures that were shown to him as being the subject he knew by the name of Lou. When specifically asked about what the Lou subject looked like, he indicated that the subject was about 6' tall, medium build and had a left pierced ear. He stated the subject does work for Terry Smith and he is often seen either in the Gardens or working at Terry Smith's house on Dunleith Avenue. The only additional information he gave was that he had never known the subject to drive a car, because to the best of his knowledge, he did not think Lou had a driver's license or could drive a car. The only time he had ever seen him in a car would be when a black female would transport him in a greenish or yellowish looking Pinto. The only other thing he could remember about Lou was that he did have a mustache.

On 04-23-86 the writer had conferred with Public Safety Attorney Claire McNaught in reference to obtaining some head hair from Merritt Williams Drayton. After consulting with her, she stated that it would be permissible to obtain this head hair, if he would give voluntary consent. Therefore, a Consent Waiver could be used. On 04-24-86, while talking to Merritt Williams Drayton at the Identification Office, he consented to the obtaining of his head hair. See the Consent Search Waiver signed by Merritt Drayton and witnessed by Det. T. A. Freeland, Det. J. K. Dorn and Sgt. J. G. Matthews. ID Technician L. C. Lewellyn collected the head hair samples from Merritt Drayton. The head hair was packaged and placed in Property Control by Det. J. K. Dorn. Merritt Drayton was then transported back to the Forsyth County Jail by Det. J. K. Dorn and Det. T. A. Freeland. This was approximately 2215 hours. INVESTIGATION CONTINUING.

28. REPORTING OFFICER

CODE NO.

T. A. Freeland 830-1665

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ INACTIVE☐ EXCEPTIONALLY CLEARED☐ SERVICES RENDERED

33. REFERRED TO

29. SECOND OFFICER

CODE NO.

J. K. Dorn 830-1675

31. SUPERVISOR APPROVING CODE NO.

32. REVIEWER

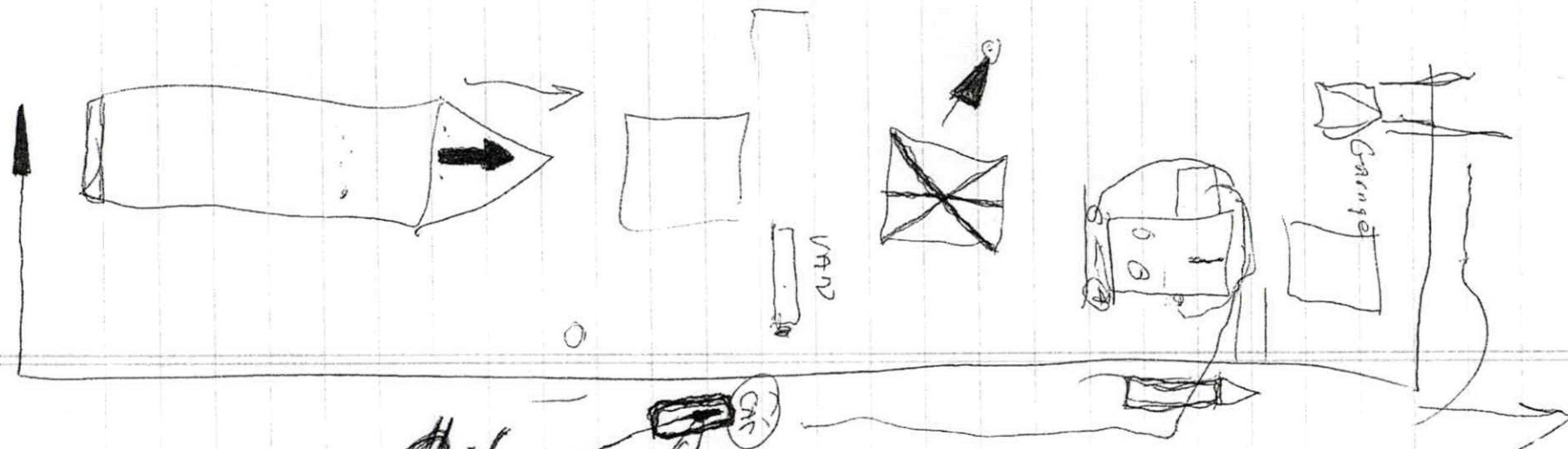
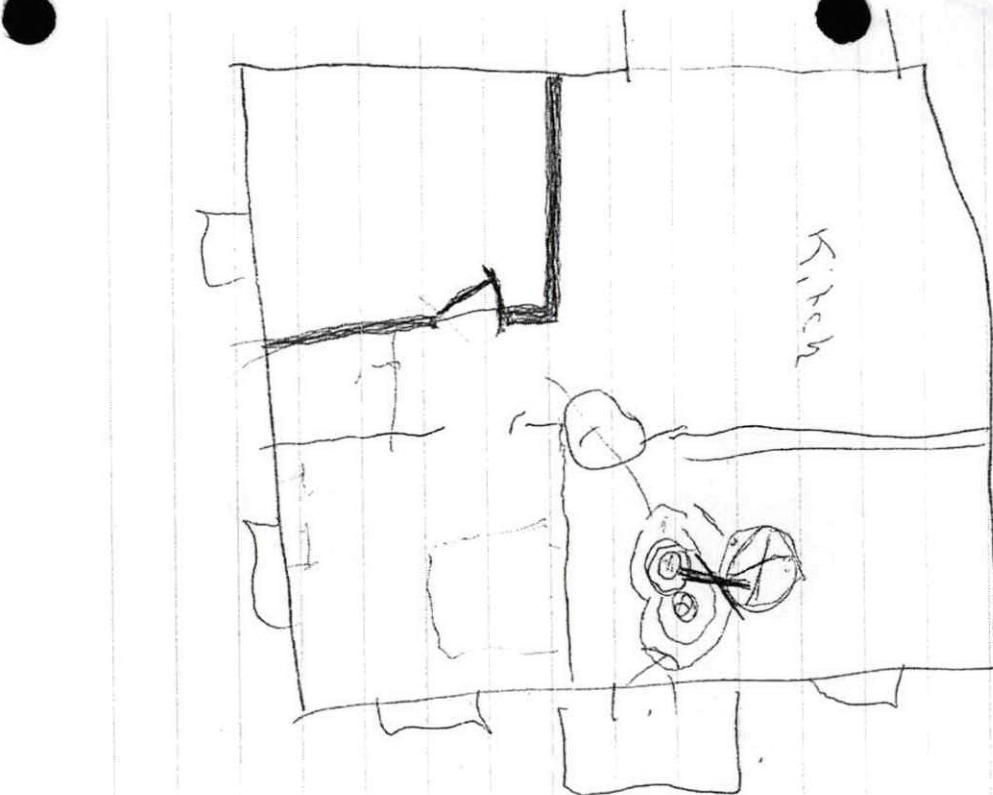
CODE NO.

34. DATE OF REPORT

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04-28-86/bb

394

Map drawn after search of house



Bilmer H.



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Ratterson

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NCIC WSPD

POLICE DEPARTMENT

EXHIBIT

FENGAD 800-681-6888

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Supplement Report

3. COMPLAINANT / VICTIM

BRYSON, Blanche Ragins

4. COMPLAINANT'S ADDRESS

2705 Gilmer Avenue

5. OFFENSE OR INCIDENT

Homicide

6. DATE OF ORIGINAL INCIDENT

12-10-85

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

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2. ROUTING

COPIES

TO:

1. COMPLAINT NO.
584545

ITEM NO.

27

On 05-06-86 information had been received by Sergeant M. V. McCoy and Detective Hicks that Merritt Drayton requested to see Detective T. A. Freeland or Detective J. K. Dorn in reference to the Bryson case. The purpose for him wanting to talk to us was to give us information of the other person who is involved in the Homicide.

On 05-06-86 writer went to the Forsyth County Jail along with Detective J. K. Dorn to see Merritt Drayton. Prior to talking to Merritt Drayton he was advised of his Constitutional Rights as set forth in the Miranda Decision. See the attached Rights Waiver signed by Merritt Drayton. The time of the interview with him was at 1405 hours.

Merritt Drayton indicated to writer and Detective Dorn that there was one other person involved in this case and that he was shown a picture of the other subject in a line-up and had seen it in the Idmo File in Records and Identifications section of the Police Department. Writer is familiar with the subject that Merritt Drayton was talking about and he briefly had Merritt Drayton describe the subject again before showing him the line-up he had previously been shown. Merritt Drayton indicated that the subject in the photo line-up that he had already been shown was wearing a green type jacket and was wearing a tobaggan. Writer once again showed the same line up to Merritt Drayton as previously been shown and he picked out the picture Lester Davis as being the person who was with him on the night that Blanche Bryson was murdered on Gilmer Avenue. Merritt Drayton had previously indicated earlier in this investigation that Lester Davis looked like the

REPORTING OFFICER

CODE NO.

T. A. Freeland 830-1665

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ EXCEPTIONALLY CLEARED☐ INACTIVE☐ SERVICES RENDERED

33. REFERRED TO

29. SECOND OFFICER

CODE NO.

M. V. McCoy 830-2060

31. SUPERVISOR APPROVING CODE NO.

32. REVIEWER

CODE NO.

34. DATE OF REPORT

05-20-86 000428
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POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, Blanche Ragins		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 584545
COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2		

ITEM NO.	27
<p>person who was with him when this crime was committed, however, he would not positively identify him as a suspect in this case. Merritt Drayton did not know the name of the subject that he had indicated and pointed out in the photo line-up.</p> <p>When asked specifically as to why he (Merritt Drayton) had not identified positively the subject earlier he could not offer an explanation. No further information was obtained from Merritt Drayton on this date. The photo line-up had been previously shown and also shown once again on this date to Merritt Drayton included the following subjects:</p> <ol style="list-style-type: none"> 1. Calvin Leon Walters 2. Carl Brown 3. Lester Thomas Davis 4. Jesse Ferguson, Jr. 5. Craig Lavern Taylor 6. John Henry Alford <p>INVESTIGATION CONTINUING.</p>	

REPORTING OFFICER T. A. Freeland	CODE NO. 830-1665	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING CODE NO. M. J. M. 830-2060	34. DATE OF REPORT 05-20-86 dgm

POLICE DEPARTMENT

EXHIBIT

Supplement Report

3. COMPLAINANT / VICTIM

BRYSON, BLANCHE RAGINS

COMPLAINANT'S ADDRESS

705 Gilmer Avenue

VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED

5. OFFENSE OR INCIDENT

Homicide

6. DATE OF ORIGINAL INCIDENT

12-10-85

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

1

2. COPIES ROUTING TO:

1. COMPLAINT NO.
584545

ITEM NO.

27

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In a meeting held earlier in the month with District Attorney Don Tisdale, information was received that Merritt Drayton had relayed the following information to him. He referred to a billfold that belonged to him that should contain a sales receipt from Zayres Department Store, showing that he purchased a number of items with a \$100 bill that he supposedly received from a subject by the name of Terry Smith. The \$100 bill was payment for his participation in the homicide concerning Blanche Bryson. The billfold was supposed to be in the possession of Merritt Drayton's girlfriend, Mattie Mae Davis.

On 09-02-86 Det. Hicks talked to Mattie Mae Davis in reference to the remark that Merritt Drayton had given to District Attorney Don Tisdale. Mattie Mae Davis stated that she did remember some time around Christmas time that herself, along with Merritt Drayton had gone to Zayre's Department Store to purchase approximately \$80 in merchandise. She stated that she thought the money had been earned by Merritt Drayton for doing a roof job near their residence on 9th Street. She informed Det. Hicks that if there was such a receipt in his billfold, that it could be found back at 345 E. 9th Street, where they used to live. Mattie Mae Davis no longer had keys to the apartment and it had been abandoned for quite some time.

The writer obtained information that the apartments on 9th Street were being managed by T. E. Johnson and Company, located at 200 W. 3rd Street. At that location the writer talked to Thomas Johnson, who is a co-owner of the business.

The advised the writer that, as of 07-23-86 the apartment had been declared vacant and that the possessions within the apartment were going to be thrown out immediately.

REPORTING OFFICER

CODE NO.

T. A. Freeland 830-1665

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ EXCEPTIONALLY CLEARED☐ INACTIVE☐ SERVICES RENDERED

33. REFERRED TO

29. SECOND OFFICER

CODE NO.

31. SUPERVISOR APPROVING CODE NO.

32. REVIEWER

CODE NO.

34. DATE

T. A. Freeland 830-1665

09-10-86/bb
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Supplement Report

1. COMPLAINT NO. 584545	2. COPIES ROUTING TO:	3. OFFENSE OR INCIDENT Homicide	4. DATE OF ORIGINAL INCIDENT 12-10-85	5. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	6. PAGE NO. 2
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It had already been confirmed by personnel who work for T. E. Johnson that there were a number of clothing articles and a few pieces of furniture that had been left behind at the apartment. Therefore, the possibilities of the billfold belonging to Merritt Drayton, based on this information could still be at the apartment on 9th Street.

or to going to 345 E. 9th Street, the writer did consult with District Attorney Tisdale and Charlie Walker and they both stated that there would be no problem going to that location, since it had been declared vacant and T. E. Johnson was going to give permission to enter the apartment to locate the item in question. In addition to talking to the District Attorney, the writer also talked to Safety Attorney Claire McNaught and she recommended that a Consent Search

could be permissible in this case. Therefore, on 09-08-86 at 1125 hours after, along with Sgt. J. G. Matthews, Uniform Officer D. D. Cude and R&I M. E. Thompson and O. L. Emerson conducted a Consent Search at 945 E. Street, after receiving consent from Thomas Johnson, co-owner of T. E. Johnson company. The apartment was searched as thorough as possible by the

and the parties listed above and one blue billfold that contained miscellaneous at had a probation card with the name of Merritt Williams was seized at ment and placed in Property Control by the writer. This was the only hat had any indication that it belonged to Merritt Drayton and it did a Zayres sales receipt that had been referred to earlier in this e receipt in question could not be found by the parties conducting this 5 E. 9th Street.

CONTINUING.

30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED	31. SUPERVISOR APPROVING CODE NO. 11/11/94/830-2060	32. REVIEWER <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE SERVICES RENDERED CODE NO.	33. REFERRED TO
34. DATE OF THIS REPORT 09-10-86/bb			

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PCNGAD 800-631-6888

EXHIBIT

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21 November the 18th, 1986, in the Superior Court of Forsyth
22 County in case number 86-CrS-18809 that the Defendant,
23 Merritt Drayton, pled guilty to the offense of second-degree
24 murder and would like to have this judgment and commitment
25 entered into the court record and have the record reflect

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1 that the Defendant does have a conviction of a felony
2 involving violence to another person.

3 COURT: The Court will admit State's Exhibit 50
4 into evidence.

5 MR. REDDEN: Your Honor, we object.

6 COURT: Overruled. Is that all for the State?

7 MR. SAUNDERS: That's all for the State, Your
8 Honor.

9 COURT: Okay. Do you want to call witnesses?

10 MR. MAUNEY: Thank you, Your Honor. We call

11 Merritt Drayton.

12 MERRITT DRAYTON, having first been duly sworn, testified as
13 follows:

14 DIRECT EXAMINATION

15 MR. F. KEVIN MAUNEY:

16 Q. What's your name, sir?

17 A. Merritt Williams Drayton.

18 Q. And how old are you?

19 A. Twenty-nine.

20 Q. Where were you born?

21 A. I was born in Harlem, New York, 1958.

22 Q. Where is the first place that you remember where you
23 lived?

24 A. Walterboro, South Carolina. I was adopted there
25 probably 1962, I believe.

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1 Q. Okay. What do you mean you say you were adopted?

2 Were you legally adopted?

3 A. Yes, sir.

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- 19 A. Twenty-nine.
20 Q. Where were you born?
21 A. I was born in Harlem, New York, 1958.
22 Q. Where is the first place that you remember where you
23 lived?
24 A. Walterboro, South Carolina. I was adopted there
25 probably 1962, I believe.

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Legislature

- 479
1 Q. Okay. What do you mean you say you were adopted?
2 Were you legally adopted?
3 A. Yes, sir.
4 Q. Okay. By whom?
5 A. Mrs. Sarah Murray.
6 Q. Does she still live there?
7 A. Yes, sir.
8 Q. How old is Mrs. Murray now?
9 A. Probably about 61.
10 Q. Does she have some health problems?
11 A. Yes, sir.
12 Q. Now, did Mrs. Murray raise you?
13 A. Yes, sir.
14 Q. Do you want to lean forward a little more so you'll
15 be more comfortable?
16 (The witness complied with the request.)
17 Q. Thank you, sir. Who was your real mother?
18 A. Edith Ferguson Drayton.
19 Q. When did you learn that she was your real mother?
20 MR. SAUNDERS: Object.
21 COURT: Overruled. Go ahead.
22 A. 1976.
23 Q. And what were the circumstances that you learned that
24 she was your real mother?
25 MR. SAUNDERS: Object.

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23 Q. And what were the circumstances that you learned that
24 she was your real mother?
25 MR. SAUNDERS: Object.

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1 MR. MAUNEY: Your Honor, this case is --
2 COURT: Overruled.
3 MR. MAUNEY: Thank you, Your Honor.
4 A. My great grandmother had died.
5 Q. Is that the first time you met your real mother?
6 A. Yes, sir.
7 Q. Now, when you were raised by Mrs. Murray; did you
8 live in various places or did you stay in Walterboro your
9 entire young life?
10 A. After my foster father died -- I believe in '68 on
11 Easter -- we moved to Savannah, Georgia, and stayed a while
12 there; and we moved back to South Carolina after that.
13 Q. And approximately when was it that your foster father
14 died?
15 A. He died in '68 and she remarried sometime after that.
16 Q. Now, when you say foster father, do you mean the
17 husband of Mrs. Murray?
18 A. Yes.
19 Q. Would it be better to say he's your stepfather or
20 your adoptive father?
21 A. My stepfather would be better.
22 Q. And where did you move after Savannah?
23 A. Back to Walterboro.
24 Q. Did Mrs. Murray remarry?
25 A. She had remarried right before we moved to Savannah;

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1 and the husband there, he had died from some type of weight
2 problem; and we moved back right after that.
3 Q. And describe your relationship with Mrs. Murray when
4 you were growing up.
5 I think the course of growing up I went

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24 Q. Did Mrs. Murray remarry?
25 A. She had remarried right before we moved to Savannah;

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- 1 and the husband there, he had died from some type of weight
2 problem; and we moved back right after that.
3 Q. And describe your relationship with Mrs. Murray when
4 you were growing up.
5 A. It was well. During the course of growing up I went
6 to school in Walterboro, Black Street Elementary. When I
7 turned 16 and went into sort of a junior high, I was awarded
8 a two-year scholarship to Bell and Howell (phonetic)
9 Electronic University in Dallas. I was too young to accept
10 the scholarship. So at the age of 17 I was able to fly to
11 Dallas to try to get into the school, which I was accepted.
12 I stayed about a year, took some courses and returned to
13 South Carolina.
14 Q. Okay. Did Mrs. Murray have any problems, like
15 drinking problems?
16 A. Well, after her second husband died, she started
17 drinking real bad, but it wasn't a problem of we used to
18 fight or anything like that. I sort of just worked and kept
19 with her until we moved back and she started coming down off
20 using alcohol.
21 Q. And as you were growing up, did anyone else live in
22 the family with you and her husband?
23 A. No, sir. I was the only child.
24 Q. What kind of house did you live in?
25 A. They built the first shell home, I guess, long before

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- 1 I was born in that special community we lived in. It was a
2 five-room house. It was, like I said, you know, livable.
3 Q. A small house?
4 A. Yes.
5 Q. Did you have many luxuries or anything while you were

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- 23 A. No, sir. I was the only child.
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- 1 I was born in that special community we lived in. It was a
2 five-room house. It was, like I said, you know, livable.
3 Q. A small house?
4 A. Yes.
5 Q. Did you have many luxuries or anything while you were
6 growing up?
7 A. I think I was about eight before they came through
8 that part of the country with the facilities as far as
9 bathroom. We had running water, but there was no facilities
10 for a bathroom at that time. When I was about eight years
11 old they put one in.
12 Q. How big is Walterboro?
13 A. About 50,000.
14 Q. Okay. Where did you all live in Walterboro? A rural
15 area or a city?
16 A. A rural area three miles out of town.
17 Q. Did you graduate from high school?
18 A. Walterboro High.
19 Q. And while you were in South Carolina, were you
20 convicted of crimes or anything?
21 A. Yes, sir.
22 Q. What crimes were you convicted of?
23 A. I had a cousin that was much older than me and I ran
24 with him.
25 MR. SAUNDERS: Object. Not responsive, Your

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- 1 Honor. He just asked him what crimes he had been convicted
2 of. Let him answer the question.
3 COURT: Overruled. Go ahead.
4 A. I had a cousin that I ran with and we got into a lot
5 of mischief things during a course of time. I think one

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1 Honor. He just asked him what crimes he had been convicted.
2 of. Let him answer the question.
3 COURT: Overruled. Go ahead.
4 A. I had a cousin that I ran with and we got into a lot
5 of knickknack things during a course of time. I think one
6 of the crimes was breaking and entering. I was real young
7 then. I was put on probation for that crime.
8 Q. Any other crimes you were convicted of in South
9 Carolina?
10 A. As an adult, I had a problem at a mill that I had
11 worked at which had caught fire, and I was charged with it,
12 but I wasn't charged with arson. I was charged with burning
13 a building of another not subject to arson, which in South
14 Carolina law it's an accidental burning.
15 Q. Did you also get in some trouble about selling some
16 land at one time?
17 A. Yes. The deed of property was -- after my stepfather
18 died, his brother that lived in Savannah had came in, moved
19 back from Savannah and sold all the property without a clear
20 deed from my foster mother, which she was entitled to all
21 the property. During the transaction we had problems with
22 it, but the problems cleared up, I think, in '81.
23 Q. Well, did you get charged with a crime for that?
24 A. For that crime, no.
25 Q. Did you get investigated?

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19 back from Savannah and sold all the property without a clear
20 deed from my foster mother, which she was entitled to all
21 the property. During the transaction we had problems with
22 it, but the problems cleared up, I think, in '81.
23 Q. Well, did you get charged with a crime for that?
24 A. For that crime, no.
25 Q. Did you get investigated?

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1 A. Yes.

2 Q. Okay. And what did you try to do?

3 A. Well, the property was approximately three to four
4 hundred acres of land and we had accumulated a small
5 township right outside. People are probably familiar with
6 Drayton's Plantation, which we had gained total control over
7 it, and there was a certain amount of timber on the property
8 that we wanted cleared for some purposes. And after selling
9 the timber, when we finally checked the deeds out, the deeds
10 were already been sold under a signed named of my deceased
11 stepfather.

12 Q. Are you talking about the Drayton Plantation that's a
13 historical site?

14 A. Yes, sir.

15 Q. Are you saying that you had an ownership interest in
16 that?

17 A. My father and great grandfather owned it. It was
18 foster father rather owned it some years ago and it was, I
19 guess, what you call heirs' property between a previous
20 owner and myself.

21 Q. Were you sent to prison in South Carolina?

22 A. Yes. Not on that charge.

23 Q. I understand. Well, did you serve time in prison?

24 A. Yes.

25 Q. And approximately how much time did you serve in

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1 prison?

20 owner and myself.

21 Q. Were you sent to prison in South Carolina?

22 A. Yes. Not on that charge.

23 Q. I understand. Well, did you serve time in prison?

24 A. Yes.

25 Q. And approximately how much time did you serve in

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1 prison?

2 A. I served two years at CCI as a teacher there.

3 Q. And during that time did you receive some
4 psychological treatment?

5 A. Yes.

6 Q. As best as you recall, what treatment were you given?

7 MR. SAUNDERS: Objection.

8 MR. MAUNEY: He can testify to that, Your Honor.

9 COURT: Overruled. Go ahead.

10 Q. Go ahead.

11 A. There the doctor was dealing with something about
12 fear and anxiety. I was treated for about 30 days for it
13 and they -- they didn't say that I had to continue the
14 treatment. They say I may or may not have to, but I had to
15 further seek more treatment.

16 Q. Were you evaluated before you started that treatment?

17 A. Yes.

18 Q. What did you do after you got out of prison in South
19 Carolina?

20 A. After I got out of prison in South Carolina, I moved
21 to North Carolina. I went to work for Summey Building
22 Supply Company as a draftsman.

23 Q. A draftsman?

24 A. Yes. I did architectural design work for them.

25 Q. And what did you do after you worked as a draftsman?

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1 A. I moved to Winston-Salem.

2 Q. What did you do in Winston-Salem?

3 I worked for the Winston-Salem Building Corporation

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- 23 Q. A draftsman?
- 24 A. Yes. I did architectural design work for them.
- 25 Q. And what did you do after you worked as a draftsman?

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- 1 A. I moved to Winston-Salem.
- 2 Q. What did you do in Winston-Salem?
- 3 A. I started working for different real estate companies
- 4 remodeling and redoing floor plans of rented houses.
- 5 Q. And were you eventually convicted of a crime in North
- 6 Carolina?
- 7 A. Yes. A previous young lady I was engaged to, we
- 8 started buying a house on 20th Street which had burned
- 9 later. I was charged for that. The only thing that -- I
- 10 didn't try to stop or prevent the burning.
- 11 Q. Did you serve time for that?
- 12 A. Yes.
- 13 Q. And when you served that time in North Carolina, did
- 14 you receive some psychological treatment?
- 15 A. Yes, sir, the same type.
- 16 Q. Were you under medication at that time?
- 17 A. Yes.
- 18 Q. Do you recall what the medication was?
- 19 A. They called -- called it Sinequan. I think the
- 20 function is it's more of a depressant-type drug. I think it
- 21 works on the nervous system.
- 22 Q. Did you talk to various psychiatrists when you were
- 23 in the prison system?
- 24 A. Yes.
- 25 Q. And psychologists also?

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- 1 A. Yes, sir.
- 2 Q. When were you released from prison?
- 3 A. October 1985.
- 4 Q. Now, did you develop any skills while you were in

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22 Q. Did you talk to various persons

31 in the prison system?

24 A. Yes.

25 Q. And psychologists also?

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1 A. Yes, sir.

2 Q. When were you released from prison?

3 A. October 1985.

4 Q. Now, did you develop any skills while you were in
5 prison?

6 A. I took small business at Surry Community College.

7 Q. Through a correspondence course or did you --

8 A. I went over to the school. They have a subsidized
9 program for inmates and they --

10 Q. Merritt, were you involved in the murder of Arthur
11 Wilson in September -- on September 17, 1983?

12 A. Yes, sir.

13 Q. Were you eventually charged with that offense?

14 A. Yes, sir.

15 Q. When were you charged with it?

16 A. I was charged -- a warrant was served on me, I
17 believe, in April.

18 Q. Of what year?

19 A. '86.

20 Q. And were -- to your knowledge, were you a suspect in
21 that offense during the year 1983?

22 A. No, sir.

23 Q. Or 1984?

24 A. No, sir.

25 Q. 1985?

- 1 A. No, sir, not at all.
- 2 Q. To your knowledge, how did you come to be arrested
- 3 for that offense?
- 4 A. I gave a statement to the Winston-Salem Police
- 5 Department which was to clear it up.
- 6 Q. What officers did you give statements to?
- 7 A. Hicks and Weavil.
- 8 Q. You're talking about Officer Hicks from the police
- 9 department?
- 10 A. Yes, sir.
- 11 Q. Did they come over to the jail and question you about
- 12 that offense?
- 13 A. No, sir. I requested them.
- 14 Q. And when you asked them to come over, did you talk to
- 15 them the first time they came over?
- 16 A. Briefly.
- 17 Q. Okay. Did they make any comments to you about the
- 18 charge?
- 19 MR. SAUNDERS: Object.
- 20 MR. MAUNEY: It's not offered to show the truth
- 21 of whatever was said, just whether they made comments to
- 22 him, Your Honor.
- 23 COURT: Overruled. Go ahead.
- 24 Q. Did they make some comments to you?
- 25 A. Yes. They'd have to check into certain things and

- 1 stuff like that.
- 2 Q. Well, did -- did they tell you whether or not they
- 3 knew much about the charge when you first called for them?
- 4 A. No, sir.
- 5 Q. When was it you talked to them next?
- 6 A. Five days or weeks after.

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23 COURT: ...
24 Q. Did they make some comments to you?
25 A. Yes. They'd have to check into certain things and

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1 stuff like that.
2 Q. Well, did -- did they tell you whether or not they
3 knew much about the charge when you first called for them?
4 A. No, sir.
5 Q. When was it you talked to them next?
6 A. Some days or weeks after.
7 Q. And at that time did they have the file with them?
8 A. Yes, sir.
9 Q. It's your understanding, of course, that you were not
10 a suspect by these officers or any other officers for that
11 charge?
12 A. True.
13 Q. And did you after that testify at the probable cause
14 hearing of that charge?
15 A. Yes, sir.
16 Q. And were any -- was anyone else charged with that
17 homicide?
18 A. Two more defendants.
19 Q. Who were they?
20 A. Sammy Mitchell and Darryl Hunt.
21 Q. Do you know what happened to Sammy Mitchell?
22 MR. SAUNDERS: Objection.
23 MR. MAUNEY: Your Honor, this is relevant
24 definitely as a mitigating factor, aids in the apprehension
25 of another felon.

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1 COURT: Overruled. Go ahead.
2 Q. What happened to Mr. Mitchell in court?
3 A. He was convicted, I believe, of second-degree murder
4 and sentenced to 50 years.
5 Q. And is he currently serving a sentence in Raleigh?
6 A. Yes, sir.

20 A. Sammy Mitchell and Darryl Hunt.
21 Q. Do you know what happened to Sammy Mitchell?
22 MR. SAUNDERS: Objection.
23 MR. MAUNEY: Your Honor, this is relevant
24 definitely as a mitigating factor, aids in the apprehension
25 of another felon.

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1 COURT: Overruled. Go ahead.
2 Q. What happened to Mr. Mitchell in court?
3 A. He was convicted, I believe, of second-degree murder
4 and sentenced to 50 years.
5 Q. And is he currently serving a sentence in Raleigh?
6 A. Yes, sir.
7 Q. To your knowledge, did he ever give statements as to
8 that offense?
9 A. No, sir.
10 Q. Has Mr. Hunt come to trial yet?
11 A. No, sir.
12 Q. Now, while you were in the jail, did you make any
13 other statements to police about any other offenses?
14 A. Yes.
15 Q. And was that about this charge we're in court for
16 today?
17 A. Yes, sir.
18 Q. And approximately when was that in relation to your
19 first statements about the Wilson homicide?
20 A. In April. Sometime in April. I can't remember.
21 Q. Does it sound right to say approximately April 18th?
22 A. Yes, sir.
23 COURT: Mr. Mauney, the jurors can't hear you.
24 You might want to talk a little louder if you can.
25 MR. MAUNEY: Excuse me.

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1 Q. Does it sound right to say it's approximately April
2 18th?

22 A. Yes, sir.

23 COURT: Mr. Mauney, the jurors can't hear you.

24 You might want to talk a little louder if you can.

25 MR. MAUNEY: Excuse me.

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1 Q. Does it sound right to say it's approximately April
2 18th?

3 A. Yes, sir.

4 Q. And why did you talk to the officers about this
5 charge, Merritt?

6 A. Well, the charge -- it has some what you call mental
7 toll towards me which was becoming a problem.

8 Q. And did you also want to help yourself out some too?

9 A. To a certain degree.

10 Q. And at that time that you made the statements to the
11 officers were you a suspect in -- in this case to your
12 knowledge?

13 A. No, sir.

14 Q. How did you get in contact with the officers?

15 A. I had someone call for me.

16 Q. Someone from the jail?

17 A. Yes, sir.

18 Q. And did officers come over that day?

19 A. I believe they did. I can't, you know, bring back
20 the closest dates,

21 Q. Do you know those officers' names?

22 A. The first two officers I do.

23 Q. What were their names?

24 A. Freeland and Dorn.

25 Q. And when they came over, did they ask you any

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1 questions at first about this charge?

2 A. Well, they didn't seem to know much about the case so
3 they had to come back again and get me.

4 Q. That same day?

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- 1 questions at first about this charge?
- 2 A. Well, they didn't seem to know much about the case so
- 3 they had to come back again and get me.
- 4 Q. That same day?
- 5 A. I believe it was the day after or something like
- 6 that, I'm not quite sure.
- 7 Q. Did you talk to the officers a long time that night?
- 8 A. The night that I went down to the police department,
- 9 yes, quite a while.
- 10 Q. And did you also go with the police officers to
- 11 Mrs. Bryson's residence?
- 12 A. Yes, sir.
- 13 Q. And made statements to them in written form?
- 14 A. Yes, sir.
- 15 Q. And do you know if they also took a tape recording of
- 16 it?
- 17 A. Yes, sir.
- 18 Q. When you first started talking to the officers,
- 19 did -- was it you who brought up the Bryson homicide?
- 20 A. Yes, sir.
- 21 Q. When they came over, did they ask you any questions
- 22 about it until you brought it up?
- 23 A. No, sir.
- 24 Q. Now, after that time did you make other statements?
- 25 A. Yes, sir.

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- 1 Q. And when you made the other statements, did the
- 2 officers coerce you in any way?

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22 about it until you brought it up?

23 A. No, sir.

24 Q. Now, after that time did you make other statements?

25 A. Yes, sir.

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1 Q. And when you made the other statements, did the
2 officers coerce you in any way?

3 A. Well, I -- I can't say coerce, but they seemed to
4 have certain disbeliefs to certain people but then a belief
5 to certain people that could have participated in the crime.

6 Q. But they didn't attempt -- you talked to them
7 voluntarily, didn't you?

8 A. Yes, sir.

9 Q. And did you hope that it might help you out on the
10 other charge?

11 A. On the first charge?

12 Q. Yes, sir.

13 A. No, sir, because I had previously already talked to
14 my attorneys about the first charge.

15 Q. Well, but you -- you thought that by making some
16 statements it might help you, though?

17 A. Certain things were said to the effect during the
18 course of me being in and out of the jail between some
19 people about it.

20 Q. Merritt, how do you feel -- do you regret being
21 involved in that murder?

22 A. The first or second?

23 MR. SAUNDERS: Which one?

24 Q. The murder of Mrs. Bryson.

25 A. It -- you can't kind of -- you can't really explain

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1 something like this because mentally it's killing me more
2 than having to be tried. It seems that the week I sat in
3 here there was no motion for me, but there was motion for
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23 MR. SAUNDERS: Which one?

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25 A. It -- you can't kind of -- you can't really explain

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1 something like this because mentally it's killing me more
2 than having to be tried. It seems that the week I sat in
3 here there was no emotion from me, but there was inside of
4 me. I guess at a certain point there was still some
5 unanswered questions that I didn't want to answer; but now,
6 as we have discussed it, I freely would answer to you all
7 your questions.

8 Q. Did you -- are you sorry for your involvement?

9 A. Very much so now. Well, even before because it was
10 something that could have been prevented.

11 Q. What was your involvement in the charge?

12 A. Well, certain parts of my statement I exaggerated a
13 little rather than just give them, you know, the actual
14 facts. My involvement was not so much as to commit murder
15 in this crime. It was more or less in a -- a lot of people
16 call larceny, but it's actually breaking and entering, to
17 that effect.

18 Q. In other words, when you went into Mrs. Bryson's
19 residence, did you have any intent in your mind to kill
20 anybody?

21 A. No, sir.

22 Q. Did you take a weapon in there?

23 A. No, sir. I don't carry weapons at all.

24 Q. And what did the other person do when he was in
25 there?

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1 A. Do you want me to answer it from the beginning?

2 Q. Yes, sir.

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- 21 A. No, sir.
22 Q. Did you take a weapon in there?
23 A. No, sir. I don't carry weapons at all.
24 Q. And what did the other person do when he was in
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- 1 A. Do you want me to answer it from the beginning?
2 Q. Yes, sir.
3 A. Well, excuse me. I have to ask the judge.
4 WITNESS: Judge, do I have to call names?
5 Q. I couldn't -- did the judge understand you?
6 COURT: Do you have a question?
7 WITNESS: Yes, sir. In this question -- we had
8 talked about it last night -- I'm going to give the complete
9 statement as true so for the jury and the family I can go
10 ahead and list the name now.
11 Q. Yes, sir.
12 A. Okay. The rightful name of the Lieutenant is George
13 Thompson. He has alias names of Williams and some more
14 names. George is approximately, I guess, 31, maybe 32 now.
15 When this whole thing started, I -- more or less it was his
16 desire to have money to pay off certain debts; and he knew
17 me, you know, quite well; and I just more or less just went
18 with him for the breaking and entering purpose only, not the
19 actual committing murder and stuff; and George took certain
20 things that I wouldn't normally carry because I don't carry
21 any knives or guns or anything. I don't, you know, carry
22 that type stuff.
23 Q. Just take your time. Just take your time. It's all
24 right.
25 A. After we were there and gained entrance to the house,

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- 1 George used -- well, it was considered a weapon, but I don't
2 know what you would consider it while it was in his

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19 actual committing murder and stuff, and stuff.
20 things that I wouldn't normally carry because I don't carry
21 any knives or guns or anything. I don't, you know, carry
22 that type stuff.
23 Q. Just take your time. Just take your time. It's all
24 right.
25 A. After we were there and gained entrance to the house,

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1 George used -- well, it was considered a weapon, but I don't
2 know what you would consider it while it was in his
3 possession while he was doing his opening of certain
4 articles.
5 When Mrs. Bryson entered the residence, I was quite
6 away from her myself. I had no visual contact at that time
7 of her. George had already proceeded into the hallway and I
8 tried not to too much come out because there were -- my only
9 way of getting out without having to come in contact with
10 her; but when I did try to come out, George was already in
11 the process of committing that type of crime.
12 The more damaging thing that hurts me is that I
13 didn't physically touch her; but with some of the things
14 that had happened in my past, I normally exaggerate a
15 problem to the point where I could put myself in real deep;
16 and this is what happened. After George had finished, there
17 was a thing about leaving and those other things left in the
18 residence that I think that probably were overlooked. I had
19 already identified it to -- to you before and I didn't bring
20 it forth up until today.
21 Q. Did you actually remove anything from the residence
22 yourself?
23 A. No, sir. I had too much of cold fear to even touch
24 anything.
25 Q. Did you run out of the house?

1 A. Yeah.
2 And jump in the car?

24 anything.

25 Q. Did you run out of the house?

25

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1 A. Yeah.

2 Q. And jump in the car?

3 A. Yes.

4 Q. And did George get the car and pick you up?

5 A. Yes, sir.

6 Q. In other words, what you said in your statements
7 about that is --

8 A. Yes, sir.

9 Q. And you went on to The Game Room that night?

10 A. I went on, but later I did see George prior -- after
11 that incident. I seen him several times.

12 Q. So that part of your statement wasn't true?

13 A. Of not seeing him?

14 Q. Yes, sir.

15 A. Not seeing, no, because I had seen him since then. I
16 had contact with him probably four or five months up to the
17 time I was arrested for the first charge.

18 Q. Are you afraid of George?

19 A. Physically, no.

20 Q. Are you afraid of what might happen to you because
21 you've given his name?

22 A. Because it would involve some other things that I
23 didn't want to have to bring right on out into the public.

24 Q. Now, how long have you been over in the jail?

25 A. Sixteen months, seventeen at most.

498

1 Q. Have you ever been disciplined in the jail for any
2 infractions or anything of that nature?

3 A. Do you mean has the jail disciplined me?

4 Q. Yes.

5 A. I think the most discipline I had was from some
6 officers there that worked on my counselor for mental

498

1 Q. Have you ever been disciplined in the jail for any
2 infractions or anything of that nature?

3 A. Do you mean has the jail disciplined me?

4 Q. Yes.

5 A. I think the most discipline I had was from some
6 officers there that worked as my counselor for mental
7 purposes only. I'm counseled by three different officers
8 there, including the captain.

9 Q. Captain Andrews?

10 A. Yes. I had periods of maybe months at a time where I
11 would go to a depressive state, and they would come take me
12 out and sit and talk with me and work with me as much as
13 possible.

14 Q. Have you been under medication for part of the time
15 over there?

16 A. Yes.

17 Q. What kind of a cell have you been in?

18 A. I spent roughly 7 months in a single cell.

19 Q. Do you ever get to go out?

20 A. I'm in the regular population now.

21 Q. What are your privileges then about exercise?

22 MR. SAUNDERS: Objection.

23 MR. MAUNEY: Your Honor, it's relevant to his
24 conduct in prison if he's confined to a single cell and he
25 reacts to that well. That's to be considered.

499

1 COURT: Overruled. Go ahead.

2 A. In the six-man cell I'm in, I have the chance to
3 exercise, play chess, stuff like that.

4 Q. Merritt, is there anything you want to say to the
5 Bryson family?

6 A. Well, first, Mr. Bryson, Mrs. Bryson, I can't say

21 Q. What are your privileges then about exercise?
22 MR. SAUNDERS: Objection.
23 MR. MAUNEY: Your Honor, it's relevant to his
24 conduct in prison if he's confined to a single cell and he
25 reacts to that well. That's to be considered.

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COURT: Overruled. Go ahead.

2 A. In the six-man cell I'm in, I have the chance to
3 exercise, play chess, stuff like that.

4 Q. Merritt, is there anything you want to say to the
5 Bryson family?

6 A. Well, first, Mr. Bryson, Mrs. Bryson, I can't say
7 that I ain't guilty of what happened to your mother, but I
8 am. It hurts me because I have to look you in the face. I
9 wish I didn't have to be here to do this. I want to say I'm
10 sorry. Still that don't bring back your mother; but if the
11 death penalty has to be given, I'll accept it because I took
12 a different attitude.

13 MR. MAUNEY: Thank you, sir.

14 CROSS-EXAMINATION

15 BY MR. ERIC SAUNDERS:

16 Q. Mr. Drayton, when did your adoptive mother start
17 drinking?

18 A. '69.

19 Q. And you lived with her at that time?

20 A. Yes, sir.

21 Q. And up until that time you had a pretty normal
22 childhood?

23 A. How do you mean normal? Do you mean mentally or
24 physically within the family?

25 Q. Well, your adoptive mother didn't drink, did she?

- 1 A. At first she didn't, but I had problems with my
 2 foster father.
 3 Q. Well, your adoptive mother didn't start drinking
 4 until 1959; is that correct?
 5 A. Yes, sir.
 6 Q. And you were 11 years old at that time?
 7 A. (Nods head up and down.)
 8 Q. You had already been through what? The fifth grade?
 9 A. Beyond fifth grade.
 10 Q. Yes, sir. And you -- you graduated from high school
 11 down there?
 12 A. Yes, sir.
 13 Q. Got two years of college?
 14 A. I graduated with honors at South Carolina State two
 15 years in the architectural field, which is just the drafting
 16 part I participated in.
 17 Q. Well, you had to take general college courses, didn't
 18 you?
 19 A. Yes, sir.
 20 Q. And you -- you passed those courses successfully,
 21 didn't you?
 22 A. Yes. I was tutored at different times.
 23 Q. And you completed your program at South Carolina
 24 State, did you not?
 25 A. Yes, sir.

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- 1 Q. And when did you complete your program at South
 2 Carolina State?
 3 A. My program was completed really about '76 because
 4 what I was doing was taking different courses. In the
 5 twelfth grade I had already proceeded that. In '85 I

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21 didn't you?
22 A. Yes. I was tutored at different times.
23 Q. And you completed your program at South Carolina
24 State, did you not?
25 A. Yes, sir.

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1 Q. And when did you complete your program at South
2 Carolina State?
3 A. My program was completed really about '76 because
4 what I was doing was taking different courses. In the
5 twelfth grade I had already proceeded that. In '85 I
6 graduated along with my real brother.
7 Q. And in 1977 you were convicted of two counts of
8 forgery in South Carolina too, weren't you, Mr. Drayton?
9 A. Yes, sir.
10 Q. And you didn't tell us about that a minute ago, did
11 you?
12 A. I answered the questions of the specific crimes he
13 asked about.
14 Q. Well, he asked you what you had been convicted of in
15 South Carolina, didn't he?
16 A. Yes. Forgery is there.
17 Q. But you didn't tell us about that a minute ago, did
18 you?
19 MR. MAUNEY: Objection, Your Honor.
20 A. It's there.
21 MR. MAUNEY: It's a repetitive question.
22 COURT: Overruled.
23 Q. And the crimes that you were convicted of in '78, the
24 burning that you testified to, you broke into that place of
25 business, didn't you?

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1 A. No, sir.
2 Q. Well, you were convicted of breaking and entering,
3 weren't you?

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23 Q. Now the burning that you testified to, you broke into that place of
24 burning that you testified to, you broke into that place of
25 business, didn't you?

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1 A. No, sir.
2 Q. Well, you were convicted of breaking and entering,
3 weren't you?
4 A. Not there.
5 Q. You were convicted of some other place of breaking
6 and entering in 1978?
7 A. There shouldn't be a breaking and entering because of
8 the fact that I still have the record of the case. You
9 cannot break into that building. It's open.
10 Q. Well, you were convicted of housebreaking in May of
11 1978 in South Carolina, weren't you?
12 A. No.
13 Q. And you were convicted of larceny in May of 1978 in
14 South Carolina, were you not?
15 A. No, sir.
16 Q. And at that same time that you appeared in court for
17 those two offenses you were convicted of that burning
18 offense, were you not?
19 A. I was convicted of burning and I think the two counts
20 of forgery, no breaking and entering and no larceny.
21 Q. And you'd already completed your college at that
22 time, had you not?
23 A. South Carolina State. The courses were you could
24 take in South Carolina from South Carolina State at your
25 school -- at your high school. You're allowed to take a

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1 certain amount of courses there to proceed out. I, along
2 with my real brother, we finished higher in our classes than
3 anybody. As a matter of fact, both of us graduated ahead of
4 the year we should have. We graduated early.
5 Q. And then after that you started committing these
6 crimes in that right?

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23 A. South Carolina State. The courses were you could
24 take in South Carolina from South Carolina State at your
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2 with my real brother, we finished higher in our classes than
3 anybody. As a matter of fact, both of us graduated ahead of
4 the year we should have. We graduated early.

5 Q. And then after that you started committing these
6 crimes; is that right?

7 A. I had crimes on my record before then which I was
8 convicted of.

9 Q. Well, it would be fair to say then, Mr. Drayton, that
10 you were an honor student at the time you were committing
11 these crimes; is that right?

12 A. You can call it honor student. Everybody makes
13 mistakes.

14 Q. Okay. Well, you made a mistake in 1974; is that
15 right?

16 A. Yes.

17 Q. Made two more in 1977; is that right?

18 A. '78.

19 Q. Well, you were convicted of forgery in '77, were you
20 not?

21 A. If you look at the records, they were brought to
22 court in '78. The conviction was upheld in '78.

23 Q. And then after you got out of the prison down there,
24 after you had paid your dues for those crimes, you moved to
25 North Carolina; is that right?

504

1 A. Yes.

2 Q. And then in September of 1983 you, along with two
3 other people, beat Arthur Wilson to death; isn't that right?

4 A. Well, there wasn't no beating involved. If you would
5 say it was like it was, there was one lick that killed

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23 Q. And then after you got out of the prison down there,
24 after you had paid your dues for those crimes, you moved to
25 North Carolina; is that right?

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1 A. Yes.

2 Q. And then in September of 1983 you, along with two
3 other people, beat Arthur Wilson to death; isn't that right?

4 A. Well, there wasn't no beating involved. If you would
5 actually tell it like it was, there was one lick that killed
6 the man. It was no beating. The man was convicted who
7 put -- who give the fatal blow.

8 Q. And then you robbed him; isn't that right?

9 A. If I wanted to rob anybody -- I can work. I wouldn't
10 rob him.

11 Q. He was in the middle of the street on Claremont
12 Avenue when he was beaten; isn't that right?

13 A. Yes.

14 Q. He was going home, wasn't he?

15 A. I don't know where he was going.

16 Q. You didn't care, did you?

17 MR. MAUNEY: Well, Your Honor, object. He can
18 certainly get in the conviction, but this is going too far.

19 COURT: Overruled. Go ahead.

20 Q. Did you?

21 A. What do you mean care? This happened in a spit
22 second.

23 Q. Okay. And after you beat Arthur Wilson to death, you
24 were convicted of burning two other buildings. Isn't that
25 right, Mr. Drayton?

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1 A. No, sir. Your records won't show two other
2 buildings.

3 Q. Okay. You tell us what our records show then.

4 A. Your records show it were a house that were -- that

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23 Q. Okay. And after you beat Arthur Wilson to death, you
24 were convicted of burning two other buildings. Isn't that
25 right, Mr. Drayton?

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1 A. No, sir. Your records won't show two other
2 buildings.

3 Q. Okay. You tell us what our records show then.

4 A. Your records show it were a house that were -- that
5 were in the process of being bought that was caught afire
6 and they had -- they didn't show it was me. It was somebody
7 setting it. The insurance company of the man who owned it
8 held me responsible because I was in the process of buying
9 it.

10 Q. And you -- you were convicted of burning an
11 uninhabited house, were you not?

12 A. Right.

13 Q. In 1985; is that right?

14 A. That's right.

15 Q. And you received a three-year sentence for that; is
16 that right?

17 A. Yes.

18 Q. And you served time for that; is that right?

19 A. I did the whole 18 months for that.

20 Q. And then while you were in the prison system,

21 Mr. Drayton, you escaped, didn't you?

22 A. Not escape. If you -- at work release if you stay
23 over your time, if you leave your job and go somewhere else,
24 they can constitute it as an escape.

25 Q. Well, you were convicted of escape, were you not?

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1 A. No, sir. We didn't have a jury trial. In order to
2 be convicted, I would have to go before the jury. I didn't
3 have to.

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23 over your time, if you leave your job and go somewhere else,
24 they can constitute it as an escape.
25 Q. Well, you were convicted of escape, were you not?

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- 1 A. No, sir. We didn't have a jury trial. In order to
2 be convicted, I would have to go before the jury. I didn't
3 have to.
4 Q. You pled guilty to escape then, didn't you?
5 A. Yes.
6 Q. So you admit you escaped; is that right?
7 A. The records show escape, but the Department of
8 Correction charged me with something else after I was taken
9 back to my unit.
10 Q. And you -- you have -- you dispute all these records
11 that are around, don't you, Mr. Drayton?
12 A. I don't dispute anything. If you want to give me the
13 death penalty, give it to me. I don't need -- I can look at
14 the jury and tell them what I'm guilty of. If you want to
15 give me the death penalty, give it to me, but quit trying to
16 dog me with it. Okay? They're human. I'm sorry for the
17 crime I committed. I'm sorry as hell for that man's mother,
18 but you don't have to get up here and try to make me look
19 like an animal or a dog.
20 Now, you've got the second person now. Do your job
21 to the community as you want them to do. Find him. I'm
22 guilty so just get off my back. I done done the crime.
23 It's over with. Do you see what I'm saying? I done told
24 the man face to face I'm sorry about his mother, but quit
25 making me look like an animal. What else do you want? You

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- 1 don't have the power to give life or take it. Do you
2 understand? You don't. Your Honor, I'm mentally getting
3 kind of sick of this, you see, because you don't have to do
4 what you're doing. All you have to do is just tell the

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1 don't have the power to give life or take it. Do you
2 understand? You don't. Your Honor, I'm mentally getting
3 kind of sick of this, you see, because you don't have to do
4 what you're doing. All you have to do is just tell the
5 truth and you're exaggerating a lot of it just so you can
6 get the death penalty on me. Like I told the man, I'm big
7 enough to let the jury go out and bring it back to me. I
8 can take it. You ain't a man if you just don't go ahead and
9 tell the truth to the jury.

10 MR. MAUNEY: Merritt.
11 A. But if you want me to I will. I was convicted of
12 certain crimes that he had said I was convicted of, all of
13 them not. Some of them -- he had two crimes that I didn't
14 commit in which he try to force me into saying I did. I
15 don't ask for no mercy from you all because he don't want no
16 mercy. I have already asked the family for forgiveness, and
17 I'm not going to sit here and just keep begging. It's over
18 with and I can't bring that lady back. I'm sorry as hell it
19 happened. I give them the second person's name, and all I
20 want to do now is just go on with the trial and get it over
21 with and for him to get off my back, man.

22 MR. MAUNEY: Take a minute, Merritt, and just
23 settle down.

24 Q. Are you ready?

25 A. I ain't never say I wasn't ready.

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1 Q. Now, you've been at the county jail, I believe you
2 said, for sixteen months; is that right?
3 A. That's right.
4 Q. And during that whole sixteen months time,
5 Mr. Drayton, you never told anyone until this morning that

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1 Q. Now, you've been at the county jail, I believe you
2 said, for sixteen months; is that right?
3 A. That's right.
4 Q. And during that whole sixteen months time,
5 Mr. Drayton, you never told anyone until this morning that
6 you were sorry for that woman's death; isn't that right?
7 A. All right. What you trying to say? I'm supposed to
8 get on the phone and call that man's house? Is that what
9 you're saying.
10 Q. You sent for the police, didn't you?
11 A. The police is not the family.
12 Q. But you've never told anyone you were sorry for that
13 woman's death until this morning?
14 A. This is what you are saying.
15 Q. Well, I'm asking you the question.
16 A. I have told a lot of people. I have even spoke to my
17 lawyers about it.
18 Q. Now, when you were in her house on that night, you
19 were holding her arms, were you not?
20 A. Like I told my lawyer when I got on the stand, that
21 part I exaggerated a whole lot.
22 Q. You exaggerated that part?
23 A. Yes.
24 Q. So some parts of your statement is true and some of
25 it is not; is that right?

1 A. Yes, sir.
2 Q. And you're picking out the parts now that are true

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- 20 A. Like I told my lawyer when I got on the stand,
21 part I exaggerated a whole lot.
22 Q. You exaggerated that part?
23 A. Yes.
24 Q. So some parts of your statement is true and some of
25 it is not; is that right?

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- 1 A. Yes, sir.
2 Q. And you're picking out the parts now that are true
3 and that are not true; is that right?
4 A. I'm not picking it out. I'm just telling you like it
5 was.
6 Q. Well, are you telling us today, Mr. Drayton, that you
7 just stood there and watched George Thompson strangle her to
8 death?
9 A. What else do you want me to do? He's probably twice
10 my size. Physically I could beat him, but my point was not
11 to get involved in the murder, but I did anyway by being
12 there.
13 Q. That's right. And while you were watching George
14 Thompson strangle Mrs. Bryson to death, you were able to see
15 her, were you not?
16 A. Parts of her. I couldn't -- certain parts of her I
17 could see and certain parts I couldn't.
18 Q. Well, you saw that she was fighting for her life, did
19 you not?
20 A. When I first walked in, yes. I just walked sort of
21 back out so I didn't see it all.
22 Q. And you watched her to continue to fight for her
23 life, did you not?
24 A. No. I didn't stand there and watching continuously.
25 Q. You watched foam come out of her mouth, did you not?

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in the jail for any

MR. FAHEY: Objection, Your Honor. He's

attempting to intimidate the witness.

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22 Q. And you watched her to continue to fight for her
23 life, did you not?
24 A. No. I didn't stand there and watching continuously.
25 Q. You watched foam come out of her mouth, did you not?

510

1 MR. MAUNEY: Objection, Your Honor. He's
2 attempting to intimidate the witness.
3 A. No.
4 COURT: Overruled.
5 Q. You watched her stay there and struggle for three
6 solid minutes, didn't you?
7 MR. REDDEN: Objection, Your Honor. He's asking
8 him something that's not in evidence?
9 A. If you quit trying to badger me and talk so loud --
10 just ask a question, man. You don't have to impress the
11 jury.
12 Q. You watched her struggle for her life for several
13 minutes?
14 A. I've already told you no.
15 Q. Now, the part in there about the Lieutenant seeing
16 Mrs. Bryson before this night was not true, was it?
17 A. To a certain degree I believe he did because he had
18 been in that area quite a lot. There's some houses --
19 there's a house on the corner that he had normally went to.
20 I'm not going to say for what business or nothing, but I
21 have known for that fact that he has been in that community.
22 Q. Where does George Thompson live, Mr. Drayton?
23 A. He used to live on Claremont. He has quite a few
24 alias names.
25 Q. Uh-huh. Well, is that the correct name?

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1 A. Yes, that's the correct name he went by at the
2 address he stayed at.
3 Q. And you don't know where he lives now?
4 A. I've been in jail 16 months.

77 Q. Where does George Thompson live, Mr. Saunders?
78 A. He used to live on Claremont. He has quite a few
79 alias names.
80 Q. Uh-huh. Well, is that the correct name?

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1 A. Yes, that's the correct name he went by at the
2 address he stayed at.

3 Q. And you don't know where he lives now?

4 A. I've been in jail 16 months.

5 MR. SAUNDERS: I don't have anymore questions,
6 Your Honor.

7 MR. MAUNEY: Come down Merritt. Thank you.

8 Dr. Warren.

9 COURT: Before you call him, it might be a good
10 time to give the jury a short recess.

11 MR. MAUNEY: May I approach the bench, Your
12 Honor?

13 COURT: Yes, sir

14 (Discussion at the bench.)

15 COURT: Members of the jury, I'm going to give
16 you a 10-minute recess. The next two witnesses need to get
17 out fairly soon so take a 10-minute recess and don't talk
18 about the case among yourselves or anybody else. Be back in
19 10 minutes.

20 (A morning recess was taken.)

21 COURT: Please bring the jury back, Madam

22 Sheriff.

23 (The jury and the alternates were brought into
24 the courtroom.)

25 MR. SAUNDERS: Your Honor, I'd like to have a

WINSTON-SALEM POLICE DEPARTMENT

PHOTO DISPLAY FOLDER



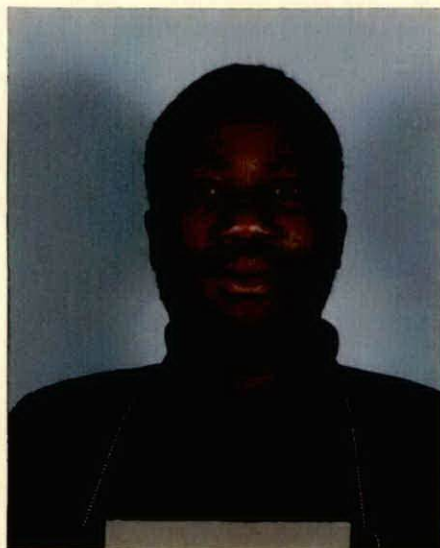
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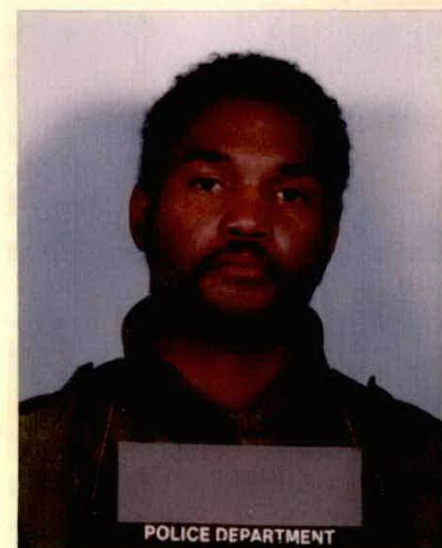
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NCIICAVS

51317

60615

53127

60248

53889

52758

I.D. LINE-UP WORKSHEET

Requesting Officer T. H. Hicks Code No. 2117 Date 31 July 1987
CR No. 584545 Offense Homicide Date Occurred 12-11-85
Complainant Blanche R. Bryson Address 2705 Gilmer Ave.

	Names	Race	Sex	DOB	WSPD # (if known)
1.	<u>James Edward Friday</u>	<u> </u>	<u> </u>	<u> </u>	<u>53127</u>
2.	<u>CURTIS KEATON</u>	<u> </u>	<u> </u>	<u> </u>	<u>60615</u>
3.	<u>GEORGE Thomas Wideman</u>	<u> </u>	<u> </u>	<u> </u>	<u>51317</u>
4.	<u>MICHAEL LEE Wingate</u>	<u> </u>	<u> </u>	<u> </u>	<u>52758</u>
5.	<u>ALAN SYLVESTER SPEASE</u>	<u> </u>	<u> </u>	<u> </u>	<u>53889</u>
6.	<u>ROBERT LEE ANDERSON</u>	<u> </u>	<u> </u>	<u> </u>	<u>60248</u>

Comments _____

Assigned to _____ Date Line-up completed _____

Handout 26

HANDOUT # 26

SEALED BY ORDER OF THE COURT

Handout 27

Merritt Williams Phone Calls from Prison

	DATE/TIME	TO	RELEVANT PORTION
1.	4/10/2016 20:28:56	Suzanne Carter (Fiancé)	Williams discusses paperwork he is sending to Carter about his case that mentions someone he was going to marry but testified against him. He indicates he doesn't have any ill will towards this woman but doesn't want anything to do with her.
2.	4/12/2016 19:41:34	Suzanne Carter (Fiancé)	<p>Williams discusses paperwork he is sending to Carter regarding the Wilson case. He says there were two women a football field length away from the scene of the murder, which is impossible.</p> <p>Williams says "The only paperwork they have to review with me is actually one thing that nobody had until lately – the autopsy report that disappeared. Because they said we stomped and beat him to death – I mean a brutal murder. And guess what? The man did not have a scar on his body. Not a scar. Period. Nothing—not a scratch on his body. And then this one female, cause she seen the body because she knew him—she went to the trunk of her car and got a pillow and put it up under his head and she left and went to call the police, but she never came back. All these people on the crime scene at the same identical time and nobody seen each other. That's crazy."</p> <p>Carter asks Williams if he knew the people that were killed. He answers: "The old man? No, I actually didn't know him. I know his son. I know the son, but I didn't know him. And the second murder, the other murder—while I was in jail, they were trying to solve a murder and they had like eight of us in jail for murder and they came and got hair samples from everybody. Well my hair was similar to one they claimed they got at the crime scene. Now don't scream when I tell you this—I went to jury trial and they found me guilty. I go to the CP. I do 18 months. During the course of time, the 18 months, a guy came out of New York and turned himself in for the murder, gave a statement saying that I wasn't his crime partner and told who his crime partner was. Now, the investigation in 2004 by a reporter, she found his crime partner. They both cleared me. The DA wouldn't even budge on my case. The DA said he didn't want to hear it. He thought he had who he wanted to and that he was going to stay in as long as he lived—after these people turned themselves in. Now, I wanted a blood test because I have lupus. I have a double strand of DNA. They wouldn't even do the blood test. But, the Innocence Inquiry Commission took the case up because they found some stuff that was hid for the longest. I mean the DA hid a lot of stuff. It was all about two people: Darryl Hunt and Sammy Mitchell. I knew them. He always wanted to lock them up. Always—he even said it in his reports. He chased them down for like 30 years and he finally got them, but I got caught in the crosshairs too. Now I'm mad</p>

Merritt Williams Phone Calls from Prison

	DATE/TIME	TO	RELEVANT PORTION
			<p>about it, but what's the point in being mad. I can't do anything. I'm not as mad as I should be because now I feel I have a chance to get my life back on track, so I'm alright with that."</p> <p>Williams discusses the Wilson case. "I forgive them, but the woman who I was going to marry—I find it hard to forgive her. Of all the people, why she would turn like that, I just don't know." "You believe—this woman I used to have, she was sweet. I had left her for this woman and I'm going to explain something to you. She came to my house on a Saturday and told me to get out of the bed with that woman in the bed you've got in there with you now because you're going to be in jail for the rest of your life if you don't come and go with me. Guess what? She told me that on a Saturday and the next weekend I was in jail."</p>
3.	4/15/2016 18:23:39	Suzanne Carter (Fiancé)	<p>Williams discusses Darryl Hunt and the Arthur Wilson case: "They tried to say that I confessed to it, but there was no live statement, no recording or nothing at all in the case—the whole case. For that, I went to trial again in Hickory, where he got acquitted at. You got that one? You read that? The Arthur Wilson case—he got acquitted on the Arthur Wilson case. That's the case we had—the same evidence they used in my case, they had on him."</p> <p>Williams discusses Darryl Hunt and Sammy Mitchell: "How I got trapped into everything was because of Deborah Sykes murder. They actually probably knew they were going to let him go. But his reputation in the community along with Mitchell had exploded. I knew them, but they weren't like people said they were. They weren't bad and they weren't hoodlums and stuff like that. It was never like that."</p> <p>Williams discusses the Arthur Wilson case: "That's what I'm supposed to be part of, but never was. Don't even know the man—never met him. Now if you've got that article and you keep on reading, you'll find witnesses, you'll find two women that were a football field length away and you'll find one, Mattie Davis that was six feet away, but if you keep on reading, you'll see that there were two cars. And in the process of the two cars, there were five people. So there's eight people who seen the murder at the same time. But, nobody seen each other. Everybody was at the crime scene at the same identical time—impossible and they know it. It was never about the murder. It was never about anything, but convicting us all for that murder."</p> <p>Williams discusses the Arthur Wilson case: There were no bruises, no marks, nothing from an axe handle at all—showed none of that. That's what the crazy part about it.</p>

Merritt Williams Phone Calls from Prison

	DATE/TIME	TO	RELEVANT PORTION
			<p>There were different versions being written about it, but the part I'm sending you showed that [Wilson] had no scars on his body because if you [inaudible] and kick a man he would have bruises. He had none. No blood had left his body. That's the crazy part. It's a mess."</p> <p>Williams discusses the Blanche Bryson case: "There's a murder that's not listed that you won't be able to get to till it's over with. You'll get it before it's over with—you'll see it. But the other murder involved a guy that killed this woman while I was in jail on this first murder. They had me do a hair sample—comb my hair out so they could compare it. Well they compared it with the hair that they found on the scene and they said that the hair was similar. So they indicted me on that murder, but after I went to CP, someone turned themselves in for it, got a life sentence and they got out. I had seen him before too. It's a whole tangled up mess. That's all it is."</p>
4.	8/8/2017 15:45:03	Suzanne Carter (Fiancé)	Williams says "I'm not depressed. I'm pissed. And [the psychiatrist Ms. Walker] said, 'What? About being incarcerated?' And I said, 'Yeah, for something I didn't do. Hell yeah, I'm depressed about that. She said, 'Well, we're going to see what we can do.'"
5.	1/10/2018 20:01:24	Suzanne Carter (Fiancé)	During this call, he gives Carter Robbin Carmichael's name.
6.	1/11/2018 21:19:52	Suzanne Carter (Fiancé)	Carter says she looked for Carmichael and didn't find anything. Williams says "I'll tell you how you can do it. Look for Blanche Bryson. Google that name. That's where to find it...that's supposed to be the woman that was killed. Pull that up and you'll find everything on that."
7.	2/5/2018 10:03:08	Suzanne Carter (Fiancé)	<p>Williams discusses the Sykes case and Robbin Carmichael: "Well they fooled you because you were thinking this was the Sykes murder. Everybody try to put me with the Sykes murder, but not at all. See that's the thing, it was two murders, but not the Sykes murder. The Sykes murder is what you call a ploy that they tried, they almost had me on that one, but no, I had nothing to do with that. And the one they taking me back now—he came and turned himself in."</p> <p>Carter discusses Robbin Carmichael: "And I can't find anything on him. I can't find nothing on him at all. I can't find his name on the internet nowhere except on Facebook and I don't even know if it's him because the Carmichael, Robin Carmichael is a famous football player or something like that—he did sports and I can't find anything about if there was a trial of any sort where he was convicted or put in prison. I can't find anything. And I don't know where else to look."</p>

Merritt Williams Phone Calls from Prison

	DATE/TIME	TO	RELEVANT PORTION
			Williams discusses the Bryson case: “Now they claimed this is what I said—holding her hands. Now they did an autopsy report and they kept it hidden from me. Come to find—the woman didn’t have no bruises around her neck and it was inconsistent with what you just read because if you hold somebody and they struggle—your hand will bruise.” “She would bruise. There were no bruise marks or nothing else. Now she had skin on her fingernails of another person. So that means that nobody could have been holding her hands...they didn’t test that skin, all these years, they never tested it. That would have given them who done it besides the person who turned himself in. That would give them the second person. The Innocence Inquiry Commission took care of that so I’m alright.”
8.	4/4/2019 9:29:53	Suzanne Carter (Fiancé)	Williams discusses a phone call he had with his attorney about the upcoming Commission interview and how it will work.
9.	4/4/2019 13:08:31	Suzanne Carter (Fiancé)	Williams discusses upcoming Commission interview. He indicates he is going to do some reading beforehand to make sure he has everything together. Carter indicates that Williams’ attorney said that Williams will need to answer all questions during the interview because he signed a waiver.
10.	4/12/2019 10:22:50	Suzanne Carter (Fiancé)	Williams discusses Commission interviews with Carter. He indicates he went through everything from both cases.
11.	5/1/2019 15:13:41	Suzanne Carter (Fiancé)	Carter tells Williams about the phone call from Commission staff. She tells him the questions she was asked (about Williams asking her to contact or research anyone). She says she hoped she hadn’t said anything different than what Williams had told the Commission. Williams asks her to call Julie Boyer to tell her about the phone call.
12.	5/7/2019 12:10:01	Suzanne Carter (Fiancé)	Carter tells Williams that she called Julie Boyer about the phone call from Commission staff. She indicates Boyer was not concerned about the phone call and Carter says she was not concerned about the phone call either because she had answered all the questions to the best of her abilities.

Handout 28

STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

86 CRS 018809

86 CRS 031738

STATE OF NORTH CAROLINA,

v.

MERRITT WILLIAMS DRAYTON

)
)
)
)
)
)
)

**AFFIDAVIT OF ATTORNEY CHARLES
REDDEN**

NOW COMES Charles R. Redden being first been duly sworn, who deposes and says the following:

1. I was an attorney licensed to practice law in North Carolina. I practiced law in North Carolina for 49 years and retired in 2018 .
2. I represented Merritt Williams Drayton along with Kevin Mauney in the Blanche Bryson and Arthur Wilson cases.
3. I was contacted by the North Carolina Innocence Inquiry Commission in 2018 regarding my files related to this case. Commission Grant Staff Attorney Catherine Matoian provided me with Waivers of Procedural Safeguards executed by Merritt Williams Drayton for the Blanche Bryson and Arthur Wilson cases.
4. I have searched all places in which I can recall storing files and I no longer retain any files related to my practice.
5. I am confident that I am no longer in possession of any files related to the above referenced case.
6. I do not recall knowing that Robbin Carmichael was convicted in the Blanche Bryson case in 1988, after Merritt Williams Drayton was convicted in 1987.
7. As I recall, Mr. Williams Drayton did not confess his guilt to me in the Arthur Wilson case.

8. As I recall, Mr. William Drayton did not confess his guilt to me in the Blanche Bryson case.

FURTHER THE AFFIANT SAYETH NOT.

This the 6th day of August, 2018.



Charles Redden

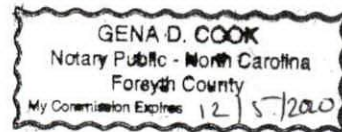
STATE OF NORTH CAROLINA
COUNTY OF Forsyth

Sworn to and subscribed before me,

this 6th day of August, 2018.



Notary Public (Seal)



My Commission Expires: 12/5/2020

Handout 29

H. Glenn Davis. — had counsel.

They had Bryan on
another charge.

against my advice & says on

Bryan called the offer
to try to help himself

He came w/ my smile
was not under 12 cents.

During that time he called
the detector to the
fact what is being
presented and he
he gave info in regard
to Bryan —

I was not about to report
him against a full
charge —

Because Bryan was the
mother of a colleague —

as far as I know
myself we were always
aparted —

He called up the office
himself & had to
come to the point —

He said that he knew
was the person the
point said they would
they know because she
was a white woman —

My reports only reflect
what happened at report
to my wife —

We told him to turn
himself in.

He made a call to
the point and asked
the officers to come

Commander -

the made a bail bond about Bryan
& Wilson -

I told him you put yourself
in the same of a
man - why would
you do that when
I told you not to back
about it to anyone.

His explanation was I'm
trying to help myself -

I didn't feel I could
report him in Blue
Hearts man

Doesn't remember him
talking about offering
only he about Sykes man ✓

Was he talking much about (like)

Banally I mean was going
about with -

I cannot tell you when
Dyke was withful or
whether it was carstop
he himself himself -

My Smith -

I did not see when he
state had a car -

Dyke -

he was good @ ~~see~~ electronics -

Kevin Manning -

No access to open file

~~I'm sure I could have~~
had

In Bryson case he gave
several statements -

also implicated Terry Smith -

We were about to try the
Wilson case + Merritt decided
to plead -

No live witness hearings in Bryson
case -

We could not have let him
plead guilty unless we
thought he would be convicted

off - record -

It wasn't one I walked
away from & covered
that for us as
when some had pled
guilty to something he didn't
do.

Bryson came -
I don't think he had
any suspects -

And get that probably
saved his life.

Handout 30

DAPP 36
5/86

DEPARTMENT OF CORRECTION
OFFICIAL CRIME VERSION



MEMORANDUM

To: Mickey Hobson
Case Analyst

From: Jim Goff R-15
Greensboro PRAC

Subject: Robbin Carmichael
21062-34
UCR: Life

Date: 10/20/88

RECEIVED
OCT 26 1988
PAROLE COMMISSION

CRIME VERSION

The following information was obtained from the Forsyth County Clerk's Office, a complaint report of Officer J. Leach of the Winston-Salem Police Department and from a conversation with Detective Ken Bishop of the Winston-Salem Police.

There were 5 counts of breaking, entering and larceny which were consolidated for judgement. These 5 counts of breaking and entering all involve the subject breaking into the Benton Convention Center located at 301 West 5th Street in Winston-Salem. Subject committed the break-ins between January 2, 1988, and February 1, 1988. In each instance the subject gained entrance into a conference room of the Convention Center where a business organization was holding some type of event. Subject did steal display items from the Convention Center. Taken were \$300 in cash and currency from the N. C. Association of Nurserymen, a gas generator valued at \$500, the property of Western North Carolina Forklift, a microwave oven, the property of Jane Fulp, valued at \$167, and 2 Akai cassette decks, the property of Carolina Audio, valued at \$1,200. In each instance there was no damage done to the doors showing forced entry. It did appear that the subject had used a key to gain entry. First there were no leads in regards to these breakins but later Robbin Carmichael was questioned as a suspect and on March 9, 1988, subject was questioned by Detective Hairston of the Winston-Salem Police Department. Subject Carmichael confessed to possessing a master key to the Benton Convention Center, entering the rooms in question and stealing merchandise. The items stolen in some cases were sold to pawn shops and to individuals. Some of the items were recovered but it is not known to this officer if all items taken were recovered. On the 5 counts of breaking and entering, subject did enter a plea of guilty, charges were consolidated for judgement and on 06/27/88, subject was sentenced to 10 years in prison which was ordered to be served at the expiration of the life sentence received at this same date.

Regard to the 3 docket numbers involving the 2nd degree murder, they are all related to one incident. On 12/10/85, subject did break in to the residence of Blanche Bryson located at 2705 Gilmer Avenue, Winston-Salem. Subject did break in to the residence between 8:00 and 8:45 P. M. on the 10th of December. Along with subject Carmichael, a Merritt Drayton also broke into this residence. Subjects broke into the residence with the intent to commit larceny. The 2 subjects were going through the residence looking for items to steal when the victim, Blanche Bryson, a 68 year-old retired school cafeteria worker returned home. It was reported that she surprised the 2 subjects in her home and that the subject Merritt Drayton did strangle her with a lamp cord.

Distribution: Original and 1st Copy - Parole Analyst
2nd and 3rd Copy - DOP - Classification
4th Copy - Investigating PPO

000015
NCIC

CRIME VERSION - CONTINUED

Page 2



To: Mickey Hobson
Case Analyst

From: Jim Goff - R-15

Subject: Robbin Carmichael
21062-34

Subjects then left the scene and did steal Ms. Bryson's 1972 Buick Skylark. The vehicle was recovered at a location away from the residence where it had been abandoned.

Detective Bishop informed me that this case had been unsolved for over 2 years due to lack of any evidence. Detective Bishop said that subject Carmichael was being interviewed in reference to the breaking and enterings when he told detectives that he had information about a murder if they wanted to work out a deal maybe. The detectives stated to give them the information that he knew and they could see what they might could work out. Detective Bishop said that he listened to subject Carmichael and that when he started talking, he realized he was talking about the Blanche Bryson murder and the more he heard him say that the more he realized that this subject had to had been there to know the information that he knew. Detective Bishop said that Merritt Drayton confessed to actually strangling the victim but the role of Robbin Carmichael was never really clear other than the fact that he was in the residence at the time of her murder. Subjects fled the scene in Ms. Bryson's car and the case went unsolved until subject Carmichael was questioned on other crimes in March of this year.

On 06/27/88, subject did enter a plea of guilty to the charge of 2nd degree murder, 2nd degree burglary and auto larceny. Upon the plea of guilty, subject was sentenced to life in prison.

000016
NCIC

DEPARTMENT OF CORRECTION
CRIME VERSION SUPPLEMENT



Subject: Robbin Carmichael
21062-34

References and Comments:

Detective Bishop stated that this case was a difficult one to solve due to a lack of evidence. He said that finger prints had been lifted from Ms. Bryson's residence that were never identified. He said that when Carmichael was finger printed after being arrested on the felony breaking and entering charges, they found that his prints did match those that had never been identified. Detective Bishop also told me that Ms. Bryson had been at bridge club and came home and surprised these 2 subjects who were in her residence in an attempt to commit burglary. He did not give a specific recommendation for or against parole.

PPO's Recommendation and Comments:

Parole is not recommended due to the nature of the crime.

JG:nbt

Handout 31



**City of Winston-Salem
City Hall Suite 170
101 N. Main Street
Winston-Salem, NC 27101**

**Assessment of the Winston-Salem Criminal
Investigations Division and Identification Division
Function**

April 7, 2008

**Risk Management Associates, Inc.
127 West Hargett Street Suite 800
Raleigh, NC 27601**





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INTRODUCTION

In September 2007, representatives of the City of Winston-Salem, North Carolina, contacted Risk Management Associates, Inc. (RMA) regarding the submission of a response to a Request for Proposals directed to qualified organizations by the City. The scope of work, although not thoroughly defined, sought an assessment of the current operations, administration, and management of the Winston-Salem Police Department's (WSPD) Criminal Investigative Division (CID) by an independent outside body. Upon reviewing the proposed tasks and after discussing their expectations with Winston-Salem city staff, RMA believed that it was uniquely qualified to provide the services requested in the Request for Proposal.

Risk Management Associates, Inc. has provided unbiased and independent security consulting and investigative services since 1988 to a wide variety of clients throughout the United States. RMA has conducted criminal, civil and administrative investigations of all types and as law enforcement officers and private investigators collectively over the past 40 years, RMA staff investigators have conducted literally thousands of criminal investigations. This investigative experience include homicides, assaults, sex crimes, narcotics violations, burglaries, larcenies, fraud and most other types of crime. With backgrounds in federal, state, county and municipal law enforcement agencies, RMA consultants have a broad range of experience with the policies and procedures used in the administration and management of police functions. RMA staff investigators have broad and extensive training and experience in supervisory, management and command staff roles.

In recent years RMA investigations have included sensitive inquiries regarding the conduct, ethical behavior, and reputation of police chiefs; a CEO of an international corporation; government managers purported to have created hostile working environments; and the executive director of a non-profit who was accused of professional and personal misconduct. Investigators were able to successfully meet the clients' objectives in very dynamic venues and often with conflicting political forces engaged in the process. This practical experience combined with a broad understanding of the nuances of organizational culture and the criminal justice system has permitted RMA to conduct unbiased and independent inquiries and to provide the client with a factual basis that enabled them to make necessary and appropriate administrative and personnel decisions.

RMA investigators have years of experience in conducting all types of investigations in both public and private sector organizations. The principal investigators assigned to this project included a retired Special Agent with the North Carolina State Bureau of Investigation whose duties included investigations of allegations of public corruption, misconduct involving law enforcement officers, as well as criminal and narcotics cases across North Carolina. The team also included a retired Captain from the City of Raleigh Police Department, the current President of Risk Management Associates, with over 30 years of investigative experience. He served as the Captain of the Investigative Division and as the C.A.L.E.A. Accreditation Manager. He also commanded the Internal Affairs Unit which investigated both administrative and criminal complaints involving members of that agency.



Another member of the team is a recently retired Lieutenant from the Cumberland County Sheriff's Department who commanded that Detective Division and who has practical experience with electronic police administration and case management programs and systems. RMA has also contracted with the Director of the City/County Bureau of Identification in Raleigh, NC, to participate in the assessment of the client's depth of understanding and utilization of the science and technology associated with the criminal investigative process. These consultants were supported by several other members of the RMA team with additional law enforcement and private sector experience.

Details of RMA's experience and qualifications and the proposed investigative approach for meeting the requirements of the scope of work in this matter were submitted to the Office of the City Manager of Winston-Salem in a written proposal on September 26, 2007. On October 24, 2007, RMA was invited to make an oral presentation to members of the City Manager's review committee and to answer questions regarding RMA's qualifications and proposed approach to the project.

RMA was awarded the project and entered into the appropriate contractual arrangements following Winston-Salem City Council approval on November 12, 2007. The review of relevant documents, policies and procedures began immediately. A timetable for site visits and interviews was agreed upon and a date for the anticipated completion of the report was projected. Following the award of the contract, RMA requested an opportunity to meet with the members of the Winston-Salem City Council, either individually or in small group sessions. The request for proposals made it clear that although the City Manager was responsible for identifying and selecting the consultant for this project, the members of the City Council were to be considered the client.

In any consulting project, it is imperative that the expectations and concerns of the client be integrated into the scope of work and methodology. It is through direct and ongoing communication with the client that consultants become aware of imbedded issues that are relevant to the project, perceptions and beliefs held by the client regarding events related to the project, and what the client expects of the consultant as the project moves forward. RMA scheduled meetings with Council members in three small group sessions in order to solicit their input, feedback, and expectations. It was anticipated that they would represent their constituencies in this matter. Six City Council members met in small group sessions with a RMA consultant on December 3, 2007. Council members described several interrelated events which occurred over time and which have brought into question the quality and integrity of the investigative process in the Criminal Investigative Division of the WSPD.

The general consensus among the Council members interviewed was that the purpose of this project was to identify any practices, management failures, or influences currently existing within the CID function that could adversely affect the pursuit of justice in the investigation of crimes reported by citizens of Winston-Salem. Two Council members strongly suggested that public input and concerns regarding the practices of the WSPD investigative process be heard first hand by consultants through some type of public forum. This change of scope was later negotiated with the City Manager's Office and included in the methodology used by consultants.



The following report documents the investigative approach, related matters, and the findings and recommendations as defined in the scope of work mutually agreed upon during this process. The remainder of this report is divided into four sections with addenda. Before examining the body of the report, it is recommended that the reader become familiar with the specifics of the RFP for this project and RMA's proposal in response to that solicitation.

Section One of this report describes this scope of work and the approach taken by RMA to address the expectations of the client. Section One also discusses the methodology used to gather information and to determine the facts and circumstances in order to fully understand the current investigative practices related to the tasks set forth in the RFP.

Section Two of the report will provide important background information regarding the matters under review to ensure a clear understanding and common frame of reference from which logical and reasonable conclusions can be made. The commissioning of an independent civilian body to assess the credibility of a law enforcement entity by a political unit is an unusual occurrence. It is within this frame of reference that the events, circumstances, and imbedded issues leading to the decision to initiate this project should be clearly understood.

Section Three begins with some general discussion of the process used by law enforcement agencies to assign resources to the criminal investigative function. Various standards and best practices that ensure the thoroughness and integrity of the investigative process are discussed. A description of the process used by the Winston-Salem Police Department to investigate crimes reported to them will be provided. The focus will be on those cases directed to or selected by the Department's Criminal Investigative Division for follow-up investigation. This section examines the relationship between the CID function and the criminal justice system in Forsyth County and includes discussion of information presented at the Public Forum and related follow-up.

Section Four contains the consultants' findings and recommendations regarding the Criminal Investigative Division. This section will also contain the assessment of the Identification Division with findings and recommendations specific to it. The addenda to the report contain a listing of the people with whom investigators communicated and a catalog of the relevant documents reviewed and considered during the study.



SCOPE OF WORK AND METHODOLOGY

In the solicitation for this project, Winston-Salem City officials expressed a belief that the WSPD would benefit from a “top to bottom review/inspection of CID.” In that solicitation and in follow-up conversations with various City officials, there were also references to the findings and recommendations made by the Sykes Administrative Review Committee (SARC) as important considerations that RMA consultants should understand in defining the scope of work. These findings and recommendations are discussed in more detail in a following section of this report.

In the proposal, the City of Winston Salem was provided with a comprehensive description of the activities that RMA planned to satisfy the scope of work and to meet the expectations of the clients and the methodology that would be used to gather the information necessary to accomplish those objectives. RMA’s approach is based upon the concept that in order to assure the quality and integrity of an investigation, it must be thoroughly and accurately reported in a timely manner and this should be documented in the official case report on file with the law enforcement agency. It is an accepted police practice that the detective/investigator assigned to review and follow-up on a crime be responsible for ensuring the appropriate documentation of all investigative efforts related to that case. Normally, policies and procedures are in place to guide that process and supervisors are responsible for overseeing the work of the investigators who report to them and for reviewing the written reports documenting that activity. RMA’s goal is to determine if the policies and procedures intended for use to guide investigative activity in the CID are appropriate, if they are being followed, and if the resulting investigative reports are a reflection of best practices.

The SARC also contains a number of findings and recommendations that the WSPD should consider regarding their investigative activities. Wherever applicable, the consultants also assessed the degree of compliance with those recommendations.

RMA reviewed the process and procedures used to select investigators; their experience and training; their performance measurements and supervision; and the structure, management and oversight of the investigative function in general. RMA reviewed policies and procedures used by the WSPD and assessed their application in establishing guidelines for the initial police report of an incident, the associated preliminary investigation, case review and assignment criteria, and case disposition.

The ultimate goal was to determine if the product of the CID function, the case file, demonstrates a fair, objective, and professional effort by the WSPD to facilitate justice and the successful prosecution of those persons responsible for the crimes reported to them. The review of those documents and reports and a thorough, unbiased evaluation of the quality and depth of the investigative activity documented therein served to guide the analysis by RMA.



In addition to the interviews with the City Council members, consultants spoke with both the City Manager and Deputy City Manager, the liaison with RMA, regarding the tasks, objectives and expectations of the project. Consultants met with the Chief of Police and her top Assistants who assured RMA of complete co-operation including unrestricted access to the people, documents, and case files. Consultants interviewed the CID command staff, supervisory personnel, and a number of investigators. Other police officers and support personnel associated with the investigative function were interviewed including the records section manager, evidence custodian, Internal Affairs commander, patrol supervisors, the Assistant City Attorney advising the WSPD on legal matters, the Court Liaison Officer, the Accreditation Manager, the Department's Senior Systems Analyst, and the Captain responsible for training.

Specific attention was given to evaluating the Identification Division (ID), the crime scene investigation function of the WSPD. The level of application of science and technology and the availability of ID services to assist and complement the criminal investigative function was examined during the assessment process. In consultation with a recognized expert in crime scene investigation and the management of ID units, Risk Management Associates evaluated the extent of involvement and the contribution to the investigative process in the WSPD. This vital component of the inquiry was a valuable and unique facet of our evaluation of the CID investigative function and the quality of the end product produced by the assigned investigators.

Consultants participated in a Public Forum sponsored by the City for the purpose of receiving input and feedback directly from the citizens of Winston-Salem regarding their contact with the CID function of the WSPD. Citizens were given the opportunity to discuss their experiences and perceptions either in a public setting or in a private session with consultants. During the meeting, approximately forty citizens spoke publicly or privately with consultants about a wide range of topics ranging from their overall view of the police department's performance to specific criminal offenses investigated by the CID. Consultants also followed up on requests from citizens to contact them after the public forum and received several independent phone calls from other citizens. Consultants evaluated this information and any that was relevant to the scope of work was considered and included in the finding and recommendations. Other information regarding the police department or other criminal justice functions that was judged not to be relevant to the scope of work was summarized and passed on to the City Manager's Office for appropriate consideration.

RMA consultants selected for review a sample of CID investigative case reports on file in the WSPD records section. The department had no advance knowledge of which reports would be reviewed. Every effort was made to select a cross section of cases including a sampling of reports by individual detectives, types of crimes, and eventual dispositions. The selection process was not designed or intended to be a statistically valid sampling of cases or variables, but was intended to provide a general reflection of the quality of work documented in the official files. The performance and competence of any individual investigator was not the focus of the case review process. Rather, these cases were reviewed in an effort to gauge the overall application of accepted police investigative and case management practices.



Consultants spent a total of nine days in Winston-Salem conducting associated interviews, reviewing and collecting documents, making independent observations, and meeting with citizens, City Council members, and representatives of the District Attorney's and Public Defender's offices. The information and details gathered during these visits were thoroughly analyzed and evaluated over the next several weeks using RMA's peer review process. The RMA peer review process is used in all consulting and investigation projects. By mutually challenging assessments and conclusions, consultants remained open minded and unbiased in their findings and practical and reasonable in their recommendations for change or improvement. Risk Management Associates is fully aware of the social and politically charged issues imbedded in the events leading up to the commissioning of this project. RMA recognizes the commitment by the client to ensure that the citizens of Winston-Salem receive a report that is not influenced by any special interests. For over twenty years, Risk Management Associates, Inc. has provided its clients with independent, impartial and unprejudiced services and advice and has endeavored to conduct this inquiry thoroughly and to report it accurately and with attention to relevant detail.



FRAME OF REFERENCE

To understand the commissioning of this study and its scope, the reader must become generally familiar with the arrest, the convictions, imprisonment, and eventual exoneration of Darryl Hunt for the 1984 rape and murder of Deborah Sykes. Mr. Hunt declared his innocence throughout his ordeal although the Winston-Salem Police Department, State Bureau of Investigation, the Forsyth County District Attorney's Office, more than one jury, and numerous judicial officials were convinced otherwise. His cause was championed by family, friends, attorneys, and the Innocence Project. After DNA testing identified the actual guilty party, Mr. Hunt was eventually released from prison in December 2004. The State of North Carolina officially declared his innocence with a pardon by the Governor. The City of Winston-Salem later reviewed their potential civil liability and entered into a financial settlement agreement with Mr. Hunt and his attorneys.

In July of 2005, the City of Winston-Salem commissioned a thorough and complete review of the circumstances that lead to Mr. Hunt's arrest and conviction. The Sykes Administrative Review Committee (SARC) report was released to the public in early 2007. The report cited numerous investigative and management failures present in the WSPD's Criminal Investigative Division during the mid-1980's that were believed to be significant contributors to the arrest, conviction, and nearly twenty year imprisonment of an innocent man. The report also points out prosecutorial issues involving the Forsyth County District Attorney's Office, as well as its relationship with the WSPD, that could have contributed to the failure of the criminal justice system to recognize the fact that an innocent man was aggressively prosecuted for a crime committed by someone else.

The SARC report includes a section where the "Current Practices of the Police Department are Contrasted with those of 1984" suggesting that policing and investigative practice have changed over the past twenty years leading to the improvement of the quality and effectiveness of those efforts. In the report, the City Manager also presents his findings and makes numerous recommendations for improvements and changes in the way that the WSPD investigates, documents, and manages criminal investigations. The report includes a recommendation that an outside independent firm conduct a "top to bottom review/inspection" of the CID. The City Manager makes a commitment that a six and twelve month review of the progress towards implementing his recommendations will be conducted.

The concerns that were raised by the SARC regarding the culture and management of the CID during the window of time that it was evaluated begged the question, "Are there other innocent people in prison today whose arrests, prosecutions and convictions resulted from the same circumstances as pointed out in the SARC report?" A review of cases and convictions from that time period brought into question the investigative process that resulted in the 1997 conviction of Calvin Smith for the 1995 robbery and assault of Jill Marker. An administrative review of that case was initiated by the City Manager's Office and conducted by the WSPD during the spring and summer of 2007. That review was deemed by the Manager to be lacking in detail and the expected independence.



At the direction of the City Council, an independent review by a citizen's committee similar in composition and scope as the SARC was recommended. This review process was authorized by a City Council resolution and has begun. The City Manager also determined that it would be appropriate to expedite the process of soliciting firms to conduct the inspection of the CID function recommended in the SARC report.

In the fall of 2007, at the direction of the City Council, the City Manager sought out an independent and unbiased review of the Criminal Investigative Division to comply with the commitment made in the SARC report. The commissioning of this project is in response to that directive. Risk Management Associates, Inc. recognizes the atmosphere of controversy and mistrust, of not only the integrity of the CID and WSPD, but the fairness of the criminal justice system as a whole in Forsyth County that is unfortunately imbedded in the minds of some portion of the community. From the outset of this project, some stakeholders have openly questioned the ability of the RMA consultants to present an unbiased product. With this in mind, as consultants gathered the information for this report, evaluated that information, discussed the findings, and developed recommendations, they constantly challenged themselves and each other to consider all possibilities, remain impartial, and provide to the City Council a report that demonstrates a factual, unprejudiced review for their consideration.



GENERAL DISCUSSION

The Winston-Salem Police Department has a long history of professionalism and commitment to the citizens of Winston-Salem to provide effective law enforcement services. The department has been recognized by the Commission on the Accreditation of Law Enforcement Agencies (C.A.L.E.A.) as an accredited organization since 1997. This process validates that the agency has an established organizational structure, related management processes and oversight, policies and procedures, and the community engagement that meets nationally recognized law enforcement standards.

Like most local police departments, the WSPD depends primarily on the resources allocated through the City budget process for funding, with some supplemental assistance through state, and federal grant monies for specialized positions or services. Manpower, equipment, staffing decisions, and the allocation of other resources to meet the demand for law enforcement services are directly dependent upon the funding provided by the City. Like most public sector organizations, police departments are called upon to do more with less and there are always trade-offs when management prioritizes its use of those limited resources.

The following description of the organizational structure and police processes currently in place at the WSPD is offered to provide the reader with an understanding of the circumstances under which the investigation of a crime reported to the WSPD becomes the responsibility of the agency's Criminal Investigation Division (CID). The scope of work for this project was the work product of the CID, not an evaluation of the entire police organization. It is important that the reader understand the dynamic environment in which a "case" becomes the responsibility of an individual investigator and those dependent variables that could affect the outcome of that investigation.

Police calls for service (911) or other non-emergency circumstances are normally dispatched to a patrol officer. Traditionally, the officers receive a call for police service over the police department radio system and are dispatched to a specific location to meet with a citizen or to investigate some type of activity believed to require police involvement. Most police agencies today are relying more and more on computerized dispatch processes supplemented by in-car radio communications linking the call takers and the police responders. WSPD has a modern, computerized dispatch system that also links these calls for service to their records management system, called "PISTOL" for Paperless Information System Totally Online. This means that once a call is sent to an officer, a computer-generated record traces the activities of all of those involved. If a crime has occurred and a report begun, the system allows the officer to begin the documentation from a laptop computer in the police vehicle. Subsequent investigative activity can also be added to that record, creating the official case file of that event maintained by the WSPD.



Upon arrival at the scene of a police call, the officer is responsible for evaluating the facts and circumstances of that event and determining the appropriate level of police involvement. This involvement could range from simply referring the citizen to the appropriate non-police resource to investigating the incident and arresting a suspect. In 2007, the WSPD responded to nearly 147,000 calls for police service. Whatever the outcome of the initial response, there is a record maintained of that call and the resulting actions of the officer.

The discretion of the officer, applicable law, and departmental policies and procedures guide the actions of the officers in their decision-making process when determining how to handle the call. For example, in a domestic violence call for service, an officer might be directed by a previous court order to arrest a person who has violated the conditions of that order and their discretion is limited. In a juvenile matter, the officer might find it appropriate to contact the parent of the suspect and turn the child over to the parent with little or no official record of the incident. If a citizen is reporting that they have been assaulted, the officer would be required to gather all of the relevant facts and evidence and determine the circumstances of the incident in an effort to determine whether or not the elements of a crime can be supported and who is responsible for committing that crime.

Of the 147,000 calls for police service in 2007, approximately thirty-nine percent (39%) were initially described as criminal in nature. The investigative process begins with the work of the first responding officer. It is the quality of the initial response and the documentation of that response that often determines the outcome of the investigative work that follows. In Winston-Salem, the patrol officers providing the twenty-four hour per day, seven days a week, three-hundred and sixty-five days a year emergency response are assigned to the department's Field Services Bureau (FSB). They work in teams called platoons and are assigned to patrol specific geographic areas of the City. Officers are assigned to the FSB after completing their basic training and complete a Field Training Program with a seasoned officer before being assigned to work independently. Officers often compete for more specialized uniformed positions such as K9 and SET and for transfers to CID as an investigator.

Crimes reported to have occurred and subsequently documented by the police fall in to two broad categories for statistical reporting purposes. The FBI has established a Uniformed Crime Reporting (UCR) process that helps ensure that the types and numbers of crimes being reported to law enforcement agencies across the country are documented in a similar fashion using consistent definitions and standards. In North Carolina, these standards have been adopted by all local and state law enforcement agencies. The North Carolina State Bureau of Investigation serves as the clearinghouse and depository of the information collected by law enforcement in the state and reports these statistics annually to the FBI. Information regarding reported crimes, victimization, arrests, and the status (dispositions) of the investigations that are undertaken are reported under these guidelines.



Part One crimes are the most serious and include murder, rape, aggravated assault, robbery, burglary, larceny, and motor vehicle theft. These crimes are often referred to as “index crimes” because it is this category of crime that is normally used as a measurement for the effectiveness of a law enforcement agency and/or to compare “crime rates” from year to year or jurisdiction to jurisdiction. When someone refers to the “crime rate” of a location they are talking about a ratio of Part One crimes reported to have occurred in relation to the population of that jurisdiction. Part Two crimes include a wide variety of miscellaneous crimes including frauds, vandalism, minor assaults, and drug violations. During 2007, 15,508 of the approximately 147,000 calls for police service were documented as Part One crimes. The remaining more than 40,000 reported crimes were documented as Part Two offenses or as violations of local ordinances.

Part One Crimes	
Homicide	25
Rape	122
Robbery	703
Aggravated assault	857
Burglary	4,363
Larceny	8,268
Motor vehicle theft	1,170
Total Part One Crimes	15,508
Total Calls for Service	147,764

As mentioned earlier, the foundation for any follow-up investigation conducted by a detective is the preliminary investigation and the initial police response documented in the case report filed by the patrol officer. In most police departments, patrol officers are responsible for documenting the initial investigative efforts which for the most part determine whether or not the “elements” that define the particular offense in question actually occurred. These actions and efforts include taking statements from witnesses, victims, or suspects; securing and collecting evidence; referral of victims to a judicial official; and sometimes making an arrest to close the case. The WSPD requires FSB officers, with the few exceptions noted in General Order 4.0, to become responsible for the investigation and disposition of the vast majority of all offenses reported to the police department.

In serious crimes, where it is important that additional resources be deployed and follow-up begin immediately, patrol supervisors request the department’s investigative function to come to the scene. The responsibility for the investigation is then turned over to the investigative function with the patrol units providing support. This process allows the patrol function to focus on suppressing criminal activity by proactive/directed patrol, responding to 911 and other calls for police service, and conducting thorough preliminary and follow-up investigations of less serious crimes. The responsibility for follow-up investigations becomes the responsibility of the CID in those matters described in General Order 4.01. The following summarizes the type and numbers of cases referred to CID by policy in 2007 for follow-up investigation.



Cases referred to CID in 2007

Part One Crimes

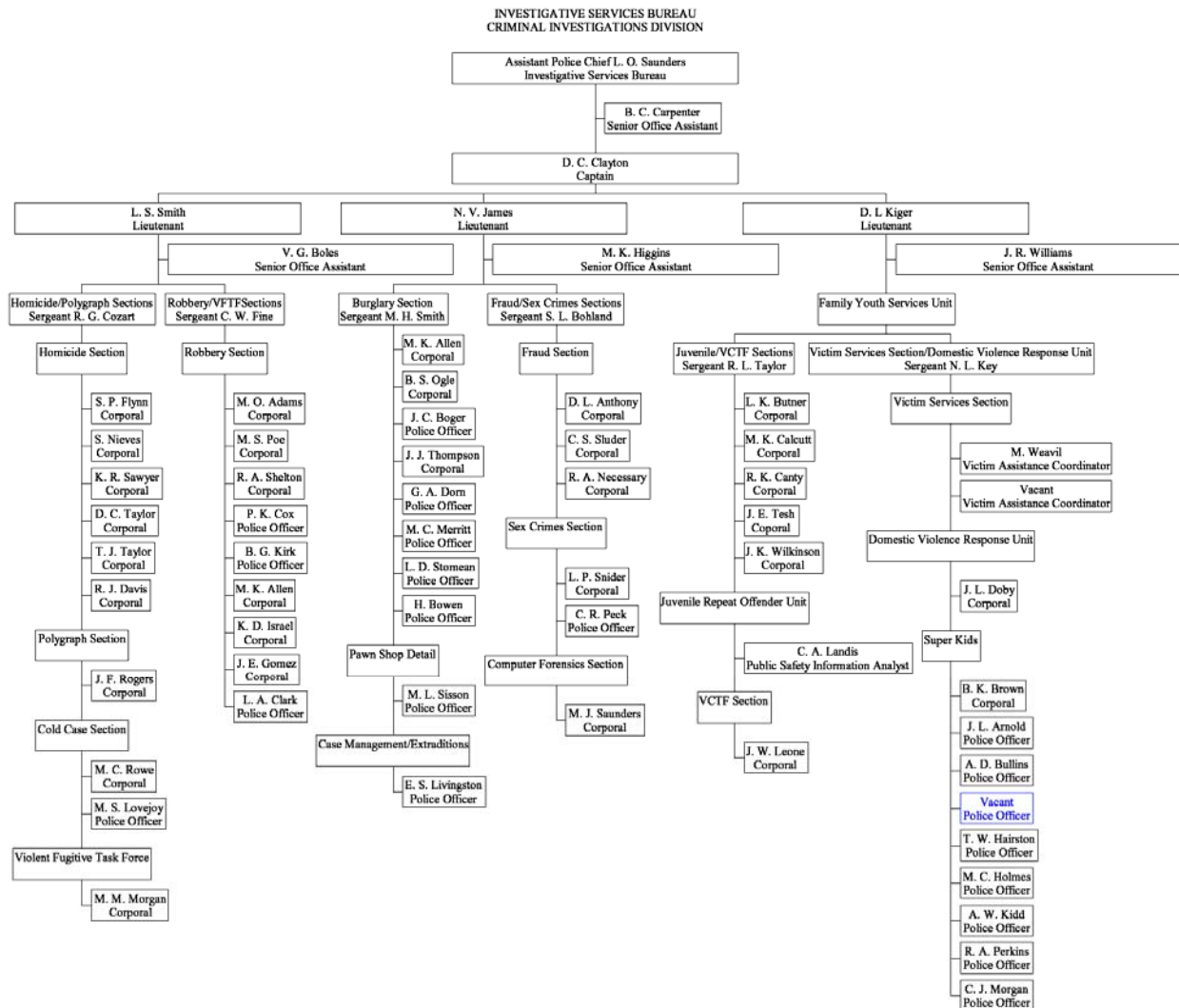
Aggravated assault	118
Arson	4
Burglary – breaking & entering	2,695
Homicide	24
Larceny	150
Motor vehicle theft	69
Rape	91
Robbery	504
Total Part One Crimes	3,398

Part Two Crimes

All other offenses	269
Calls for service	87
Drugs	10
Embezzlement	45
Family offenses	42
Forgery	18
Fraud	133
Pornography	2
Sexual offenses	150
Simple assault	69
Stolen property	2
Vandalism	45
Weapons violation	7
Total Part Two Crimes	847

GRAND TOTAL 4,090

The WSPD CID unit is a part of the agency's Investigative Services Bureau. The structure of police investigative functions differs from agency to agency and is often relative to the size of the department (jurisdiction) and the volume and complexity of the cases (crimes) referred for follow-up. Smaller departments usually have generalist investigators who handle a variety of cases ranging from minor to major incidents. In smaller departments, when a complex and/or major crime occurs, the agency relies on support from a state or larger county law enforcement agency for investigative assistance. Many larger police departments like the WSPD assign investigators to units (squads) that specialize in the investigation of specific types of offenses. For example, a "major crimes unit" may investigate only murders, life threatening serious assaults, extortions, kidnappings, or similar crimes. The "property crimes unit" may be assigned burglaries, larcenies, and other crimes against property. The basis of this concept is that as an investigator matures and gains experience and training in a specific category of crime, the investigations will become more thorough and successful. A supervisor of the specialized squad would normally review each reported offense of that nature that the department documents and determine whether or not to assign that case to a detective for follow-up.



****Chart current as of March 2008.**

The criteria used for assignment of a case for follow-up are both subjective and objective. For the most part, the seriousness of the offense is a primary variable along with what is commonly referred to as “solvability factors” in making a decision in assigning a case for follow-up. During the preliminary investigation, officers seek the identity of a suspect, physical evidence linking a suspect to the crime, witnesses, traceable property taken, or other information that could help “solve” the crime.

Consultants found that the technical services provided by the department’s Identification Division were deficient in critical areas. A crime’s “solvability factors” include physical evidence recovered at the crime scene that could link a suspect to the incident. Fingerprints, fibers, blood, and body fluids are examples of the types of physical evidence investigators depend upon finding at a crime scene to place the suspect at the scene of the crime.



CID investigators and supervisors expressed a lack confidence in the work product of the Identification Division section. The District Attorney's Office also expressed their concerns regarding the ID function, stating that their office seldom finds their contributions to a major case of any value. Consultants also found practices and policy failures that may jeopardize cases that are detailed in a separate section of this report.

Not every case reported to the police can be effectively followed up on. In many misdemeanor criminal matters, the police document the complaint and simply refer the victim to the local magistrate to bring charges against known suspects. If a suspect is not developed or known, the case will most likely be closed after the initial report. The WSPD process for case assignment is outlined in General Orders and Division Standard Operating Procedures and is consistent with best practices. The criteria allow for the limited resources of CID to be allocated to those cases of highest significance and those most likely to be solved. In the absence of positive solvability factors, most criminal cases that are not solved or cleared by the patrol officer have little chance of being assigned for follow-up investigation.

Most jurisdictions require a police investigation and direct involvement by an officer in seeking charges against suspects in more serious cases (felonies). The vast majority of Part One crimes reported to the police are "property crimes." For example, in 2007, ninety-percent (90%) of the 15,508 Part One Crimes reported to the WSPD were property related. During 2007, the CID accepted a little more than 4,000 reported crimes for screening and possible assignment. Over 2,000 of those cases, mostly property crimes, were inactivated during a screening process and no follow-up was recommended. The remaining cases were assigned to an investigator in hope of identifying the suspect or otherwise bring the case to a successful conclusion.

Consultants reviewed records of the case load or work load of the CID investigators for 2006 and 2007. The PISTOL-generated records management logs and statistical reports from an analytical program (Crystal Reports) were used for this purpose. Property crime investigators were assigned, on the average, between 65 and 70 cases per year. Some investigators had as many as 140 cases. However, the number of active cases carried by investigators at any one time fell within the accepted guidelines of ten to fifteen for property crimes investigators and eight to twelve for investigators working crimes against persons.

Homicide investigators normally carry a smaller case load because those cases require significant time for follow-up if not cleared within the first few days of the event. Most homicides are cleared during the early stages of the investigation because normally there is a known relationship between the suspect and victim. Clearance rates for homicides are high. The WSPD Homicide Section investigators are assigned on the average seven to eight cases per year. These cases include death investigations that are later determined not to be homicides. There were twenty-five homicides reported in 2007. Some unsolved cases from previous years are also carried as a part of the case load of these investigators.



Juvenile investigators are responsible for following up on any case where a juvenile was reported to be a victim or a suspect. These investigators were assigned less than 500 cases with approximately one hundred being runaway cases where the juvenile was located or returned home.

In most police departments, managing and controlling the active case load of an investigator is achieved through an aggressive case management process involving the investigator and supervisory oversight. That is not the case in WSPD. The acceptable, active work load is achieved by default primarily as a result of the stringent case screening process on the front end. Fewer cases are assigned, and there is a heavy reliance on the FSB investigative function. In some cases, there is a propensity to quickly clear a case if the victim is reluctant to cooperate or the case is unlikely to be prosecuted by the District Attorney. The resulting overall UCR clearance rates for Part One crimes reported in to the FBI compare satisfactorily against similar communities and the state and national averages.

Case management takes place at two levels, the investigator and the supervisor. Investigators must prioritize their assigned cases, diligently pursue leads, and constantly update and document the investigative file. Investigators routinely receive new cases that require their attention and must constantly evaluate the status and investigative strategies available to them on previously assigned cases. They are also called upon to assist fellow investigators, locate witnesses and interview suspects in their cases. In major cases, a dozen different investigators could be engaged in some part of the department's response. The investigator must be flexible and use appropriate time management in their duties. Many excellent patrol officers fail as investigators because they get behind on their paper work and become overwhelmed with the demands of meeting the expectations of the protracted and dynamic duties of a criminal investigator. In the end, it really does not matter how good the investigator is or how good the investigation is if it is not thoroughly and accurately documented. This documentation must be done in a timely manner and the investigator must be sufficiently motivated and self-disciplined enough to do so.

The squad sergeant is the second piece of the case management process. They must track due dates and create performance measures that require timely and accurate documentation of the work done by their subordinates. Consultants found sergeants too tolerant of delinquent reports especially in homicide cases and in some cases allowed for inappropriate dispositions (see Findings and Recommendations).

The most recent selection process for investigators was in its final stages during the consultants' site visit. The department had been allocated ten new positions in mid-2007 by the City Council. It was reported to consultants that this was the first manpower increase allocated since 1994. Five of those positions were filled in January 2008 from this selection process. The remaining positions will be filled from the eligibility list as manpower in the FSB allows. Keep in mind, that the new investigators are, for the most part, lateral transfers from the patrol division. Before an officer from the FSB can be reassigned to CID responsibilities, a new patrol officer must be selected, hired and trained to take the vacant position in the FSB that the transfer would create. This is necessary to ensure sufficient FSB manpower for a timely emergency response to 911 calls, and this process in most police departments can often take up to a year to accomplish.



It is notable that consultants found that there were 267 police employees minimally eligible to apply for transfer to the CID section. In most departments, such an opportunity would attract a significant number of applications. Consultants learned that there were only twenty-four officers initially interested in the ten open positions in CID. Of those, four withdrew their interest. In the end, fifteen applicants were rank-ordered for transfer to the ten current positions and any others that become open in the near future. The prestige, pay incentives, and career advancement opportunities for investigators in comparable agencies are obviously absent in the Winston-Salem Police Department. Some investigators who were interviewed acknowledged that they opted to work in CID primarily because of the day-shift hours and better ability to schedule off-duty work and activities.

Investigators who were interviewed felt that they received adequate training and had opportunities for specialized training as it became available. Newly assigned investigators are provided with an orientation and an on-the-job training program outlined in their SOP. Consultants verified that the training provided to members of the department to keep them abreast of legal and procedural changes necessary to comply with new laws was regularly updated (Brady, Interviews, line-ups, etc.). Specialized training for managers and across-the-board training in the area of ethics and integrity have also been implemented. Consultants reviewed the records maintained by the Office of Professional Standards and verified that allegations of misconduct involving untruthfulness and integrity issues are investigated aggressively and discipline records verify the zero-tolerance policy for violations.

Consultants found the organizational structure, supervisor to subordinate ratio (span of control), and staffing levels appropriate and well within accepted practices given the case load and most recent allocation of personnel. With the heavy reliance by the agency on FSB personnel to conduct both preliminary and follow-up investigations in felony cases, significant emphasis should be placed on the training and supervision of those first responders. The negative perceptions regarding the department's investigative function that were sometimes expressed can often be traced to the quality of the investigative product of the FSB and/or how that product influences the ability of the assigned CID investigator to meet the expectations of the victims, concerned citizens, and other components of the criminal justice system.

Public Forum

At the direction of the City Council, an opportunity for consultants to receive direct public input to be considered in this project was arranged by the City Manager's office. The date, time and purpose were advertised well in advance. The meeting was held at the Hanes Hosiery Community Center on the evening of January 8, 2008. Attendees were provided with the option of presenting their concerns in either a public forum or in a private meeting with consultants. Some chose to use both forums. After the forum, consultants also received phone calls and responded to e-mails from citizens unable to attend the scheduled meeting. The meeting was well attended by an estimated sixty to seventy citizens. Consultants documented approximately twenty five public comments, sixteen private sessions, three phone calls, and two e-mails in this phase of the project.



Consultants divided into two groups with one receiving public comments and the other available for private meetings. The citizen comments fell into three broad categories. The first were the result of alleged or perceived poor communications between the police, in some cases CID, and the victims of crimes, the families of victims, or the families of suspects or witnesses. In some cases, these communication failures could be the result of a lack of understanding of the criminal justice system or unrealistic expectations on the part of the complainant regarding the role and authority of the police. A second category of concerns are the result of a general lack of confidence in the integrity of the criminal justice system and the WSPD specifically. The third category of comments was related to the perception of the inappropriate influence of the local District Attorney's Office on the outcome and direction of the investigative effort.

During the nearly two-hour meeting, consultants fielded a variety of remarks ranging from complaints regarding the attitude of 911 dispatchers to commentary regarding the racial composition of the consulting team and their ability to remain unbiased. Several citizens commented on their perceptions of the overall integrity of the criminal justice system in Forsyth County. Others alleged collusion between the WSPD and the District Attorney's Office in the unjust prosecution of friends and family members. Others expressed specific concerns regarding past arrests and on-going investigations conducted by CID. Consultants also received several phone calls and comments from citizens expressing their confidence in the WSPD and praising the work of the CID.

Many of the public comments centered around the theme of an inherent distrust and lack of confidence in the CID and cited the Darryl Hunt case as well as other cases of a personal nature involving themselves or family members. Some attendees advocated for currently incarcerated family members believed to have been unjustly prosecuted in the same manner described by the SARC report. Others complained bitterly that they have family members in jail awaiting trial who were arrested without sufficient evidence for prosecution and that the police are withholding their reports while hiding or destroying evidence, intimidating witnesses, and otherwise creating a case against an innocent person.

The following two questions were raised by citizens and remain unanswered by the City of Winston-Salem:

- "Under what circumstances will the Winston-Salem Police Department re-open an investigation into a case where an arrest and conviction is questioned?"
- "What can the City do to compel a past or retired employee to participate in a sanctioned administrative review of a criminal case?"



Consultants are not in a position to speak for the City in these matters. However, it is clear that the current local governing body and City administration is actively engaged in a sincere effort to address the past and perceived indiscretions of the police department. They have made significant commitments in time and resources to ensure a process designed to address those issues which have created a lack confidence in the police department. The suggestion that law enforcement should open and re-investigate an adjudicated case simply because some people doubt the guilty verdict of a jury would be disastrous. The North Carolina General Statutes provide for an avenue of "appropriate relief" that guides that process, and the WSPD is an agent of government and is bound by the rule of law. If a law enforcement officer becomes aware of evidence to support such a claim of innocence, there is a moral and ethical obligation to report that information to the District Attorney and to cooperate in any judicial process initiated. Current and past employees could be compelled to testify.

It would not be appropriate for consultants to provide the specifics of the concerns expressed in the private sessions. However, in each case where sufficient detail was provided, consultants discussed the circumstances with the Commander of the CID and directed the appropriate follow-up with the citizen. Consultants checked with the Commander and learned that the concerns raised were addressed, and that in cases where there were legitimate complaints regarding the service rendered, corrective action was taken. Some of the cases in question were handled by the Field Services Bureau and not the CID. There was also a complaint directed against CID that was actually a matter handled by a neighboring city's police department. In all matters brought to the attention of the CID Commander, consultants found a receptive attitude and sincere effort to resolve the questions presented.

The findings and recommendations documented in this report have taken into consideration the information provided by the citizens of Winston-Salem who took the time to attend this forum and/or to contact Risk Management Associates later. RMA appreciates the interest demonstrated by their efforts.



FINDINGS AND RECOMMENDATIONS

The RMA consultants found the Criminal Investigative Division (CID) of the WSPD to be a professional organization staffed by committed and dedicated public servants who take pride in their work and in their department. They are steadfast in their efforts to promote honesty, integrity, and competence in the investigative process, following strict guidelines that advance a zero-tolerance policy for anything less. Investigators are volunteers from the rank and file patrol function who receive no additional compensation for the duties and responsibilities required of them in that role. They are well trained and understand the criminal justice system and local processes necessary to pursue a successful conclusion to the cases assigned to them. The RMA consultants were impressed with their candor and positive attitude in spite of the unrelenting criticism, political posturing, and bureaucratic interference to which they believe the department has been subjected over the past few years.

Investigative managers were found to be diligent in their efforts to improve the image of the unit and recognize the history and external forces at play as they introduce change. They strive to promote the morale of their subordinates and understand their roles as mentors and trainers for newly assigned investigators. They accept their duty as the reviewers of the thousands of cases that are referred to their unit annually and the sometimes demanding task of deciding which of these cases and victims get access to limited resources available to investigate these unsolved crimes.

However, consultants found several issues that are rooted in policy or management failures present in the current CID function and need to be addressed. These issues are not the result of any conspiratorial effort by current or past members to subvert the good order of the organization or deprive citizens of either justice or effective police services. Rather they arise as a normal result of the process of change and complex decision making in a dynamic organizational environment that is continuously challenged to produce results.

The findings described below reflect policies, actions, or processes that are inconsistent with best police practices or contrary to the findings and recommendations of the SARC. The findings are followed by a brief discussion of the related issues and then by the recommendations that the consultants suggest should be considered to change or mitigate policy, management failure, or the issues and practices described. There is a separate section detailing the review of the Identification Division with findings and recommendations specific to that function.



Criminal Investigative Division

Finding 1 – Supervisors have not ensured the timely completion of the documentation of the investigative efforts in many major cases.

This has resulted in not only the unnecessary delay in the prosecution of suspects awaiting trial, but has in some cases perpetuated the perception that the arrests were premature and that the investigator is “building a case against” the arrestee, as opposed to presenting the facts and circumstances of that incident. The policy of the unit is that a report officially documenting the activity of the investigator (prosecution book) does not need to begin until an arrest is made. In the case of homicides, it has been the practice to give the assigned investigator six months to have this report delivered to the District Attorney’s Office. In other words, it is possible for a person to sit in jail for six months before any substantive information or details regarding the facts and circumstances surrounding the charge are provided to the assigned Assistant District Attorney (ADA). A review of the case management log for the Homicide Section for 2006 and 2007 and interviews with section managers revealed that they seldom met the six month goal and that some cases took a year or more to complete. Additionally, some of the unsolved case files that were reviewed contained little detail and did not demonstrate a thorough investigative effort or document all of the work completed in the case.

It is the responsibility of the unit sergeant to regularly monitor the progress and quality of the investigative efforts of subordinates. This process requires the supervisor to observe the investigative efforts in the field (gathering evidence, interviewing suspects, analyzing documents, etc.) and in some cases direct the investigators during major crime incidents. The supervisor is also required to review the written documentation of the investigations conducted by their subordinates. Using the automated computer-based records management system, a supervisor can easily set due dates for each assigned case and review the complete report documented in that automated case file.

Investigators that fail to meet those due dates can be counseled to improve their timeliness. In major cases, investigators from several squads might work together to interview witnesses and follow up on leads. Later, the assigned investigator becomes responsible for ensuring that the documented activities of those investigators become a part of the case file. Consultants were told by a CID supervisor that it is often difficult to get the “detectives who don’t work for me to get in their reports.” It was clear to consultants that little effort is made to emphasize the timely completion of reports. Consultants learned that investigators have even been offered the opportunity to earn overtime pay to “catch up on delinquent cases.” It was reported that very few took advantage of this program.



The District Attorney's Office plays a role in this dysfunctional process by instructing investigators not to provide the case report (prosecution book) until it is in its completed form. In complex cases, with numerous recorded interviews, it could take several months for the transcripts of the interviews to be made from the audio/digital recordings of critical interviews. In some cases, the transcription process does not even begin until months after the arrest while investigators wait for direction from the assigned ADA regarding whether or not the case is headed for trial and if the transcripts will be needed. After being transcribed, the investigator must then review the tapes against the transcripts and approve the transcription's accuracy before it is put into the file. Consultants found several audio tapes of interviews in the lock-box of an administrative assistant responsible for transcriptions "waiting for the DA to give the OK to the detective." This assistant was caught up on all the work she had been otherwise provided, but knew of several outstanding cases where the investigator was "holding on to the interviews" for some reason. Consultants were informed that she often asks the investigators if they have any tapes to be transcribed.

There are also delays in getting the results of various forensic laboratory requests made to the SBI. These reports are also part of the prosecution file, and like everything generated during the investigation, they are discoverable. The agency has no control over the backlog in getting these results from the SBI, but they can ensure the evidence is submitted in a timely manner.

The District Attorney and others from his office were very complementary of the work submitted by the CID investigators, but complained about the delay in getting the "prosecution case file." The DA's Office commented that most of the more than fifty defendants in the Forsyth County Jail awaiting trial for murder are there because of this delay in getting reports. This complaint was also echoed by the Public Defender and several of his assistants when interviewed by RMA consultants. Public defenders are responsible for defending the arrested person and have only the version of the incident that their client, who is often in jail, provides them. While waiting for months for the official police report, they sometimes find themselves wasting valuable time and resources running down false leads in an effort to try and build a defense for their client. Additionally, the Public Defenders stated that sometimes they learn months after taking on a case and eventually reviewing the case file that they have a conflict of interest in that their office may be representing a witness in the case. This requires the Public Defender to withdraw from the case and have a new attorney appointed, thus restarting the "clock" for the trial of the defendant. In the meantime, the defendant continues to sit in jail.

Numerous citizens interviewed during the public forum process expressed concerns about the delays in getting information from the police about the arrests of family and friends. The victims of crime are normally provided with some detail regarding the circumstances of the investigative efforts leading to the arrest of the person believed to be responsible for the crime committed. In some cases, the police, victim's advocates, and prosecutors are mandated by statute to keep the victim apprised of certain aspects of a prosecution. When a person is accused of committing a serious crime like murder, rape, robbery, or a crime against a child, the family and friends of the accused could also be considered victimized. Often, they find it difficult to believe that their son, brother, father, or sister could "do anything like that." It is natural for them to want to support and defend their loved ones. They want to know what happened, and they want to know what



the evidence is. They seek answers from law enforcement agencies that share little, referring them to the defendant or to the defense attorney who has no official report upon which to rely. This lack of information, fueled in some quarters in Winston-Salem by past history, leads to speculation and doubt about the integrity of the investigative efforts and the evidence presented to cause the arrest. As the delay in getting the "case file" continues, the belief grows that the case is weak, leading to the belief that the investigators are conjuring up a case against the friend or family member. This perception is at the heart of the mistrust and demand for oversight that prompted this study.

Recommendation 1.1 – Consultants recommend that the Command Staff of CID direct a review of all cases assigned to members of the unit during the past eighteen months and require that any delinquent case files be updated immediately. The unit sergeants should be provided with guidelines and should be required to strictly enforce them and to hold investigators accountable for failing to meet the deadlines for updating the case files. The division lieutenants should meet monthly with their subordinate sergeants to discuss this issue and audit compliance. Consultants also recommend that the Professional Standards Unit conduct unannounced, bi-annual staff inspections to ensure compliance.

Recommendation 1.2 – Consultants recommend that the District Attorney, Public Defender's Office, and CID work together to develop a more efficient and acceptable method of receiving the investigative product as it is completed rather than waiting for the entire "prosecution book" to be delivered at one time. During discussions with the District Attorney's Office, consultants felt that the office was anxious to address these issues in a positive forum. The division captain should meet monthly with the District Attorney's Office to identify delinquent cases and any other issues relevant to the performance of the unit.

Recommendation 1.3 – Consultants recommend that the CID more effectively use the technological capability recently put in place to digitally record (audio/video) interviews. CID should discuss the possibility of recording all critical interviews with suspects, victims, and witnesses, not just the in-custody homicide suspects as is now required by statute. In cooperation with the District Attorney's Office, a process should be developed to provide those digitally recorded interviews to defense attorneys in an effort to expedite the case through the courts. For example, if the CID had a video recording of the confession of a suspect, credible witness interviews, and a victim's statement identifying the suspect in a line-up, providing all that information to a defense attorney could be accomplished in days rather than the months it normally takes to get "transcriptions." Consultants believe that this transparency and good-faith effort would also contribute significantly toward defusing the suspicions, distrust, and criticism of the CID in the community.



Finding 2 – CID does not use the department’s automated report writing and records management system (PISTOL) to its fullest extent.

Over 4,000 cases are directed to the CID unit for review and/or assignment each year. CID supervisors become responsible for the quality and efficiency of the investigation of the cases under their review. For example, the Robbery Section sergeant has seven investigators to whom cases are assigned. This unit works robberies and serious assault cases not likely to result in death. The number of cases assigned to those investigators over the last twenty-four months average from 65 to 70 cases per year per investigator. Some investigators carried as many as 95 cases. It becomes the division sergeant’s responsibility to ensure that each of the assigned cases is completely and thoroughly investigated and that the work of the individual investigator is documented accurately and in a timely manner. Supervisors from all sections were found to be maintaining handwritten case logs for each assigned investigator and depending for the most part on voluntary compliance with the update requirement. This method of case management by supervisors is inefficient and can lead to various quality control problems.

Recommendation 2.1 – CID supervisors must be required to use PISTOL as their primary case management tool thereby allowing them better access to and oversight of the progress, timeliness and quality of the investigative process.

Consultants found that investigators were not using the power of PISTOL to document their investigative efforts. Investigators maintain “working files” of the cases assigned to them and at some point, often only after an arrest, begin placing those files into the records management system of the department. WSPD is using a hodge-podge system of documenting, writing, and creating supplemental reports of the follow-up investigation. Some investigators handwrite their supplements. Some use digital voice recorders and voice recognition software to create a supplement. Others dictate their information and request the transcription service to type it for the record. Others type their own reports using a supplement template in a word processing format, later scanning the document in to a records file called Application X Tender. Some use PISTOL and type their updated supplements directly in to the case file maintained in the PISTOL records system. Those not using PISTOL submit their complete file to the records section at the conclusion of the investigation for records personnel to enter the report into the official case file. This inconsistent, user-dictated method of documentation exacerbates the inability of supervisors to monitor the progress and documentation of the investigative work done by subordinates.

PISTOL provides investigators with a powerful tool to document and routinely update their assigned cases as well as a database that could be useful in tracking suspect information and other investigative leads, possibly connecting unsolved cases together.



Recommendation 2.2 – Consultants recommend that the transition to a more effective use of PISTOL as an investigative tool be developed by CID managers and implemented immediately. The use of Application X Tender should be restricted to the scanning of field notes and other miscellaneous, non-supplemental documents related to a case. All supplemental case reporting completed by investigators should be entered using the word processing and filing capabilities of PISTOL.

Finding 3 – There is evidence that UCR-defined and/or SBI-defined case disposition recommendations are not consistently and appropriately used by CID supervisors in authorizing case closure dispositions.

In reviewing a sampling of case files assigned to CID during 2007, consultants found that the use of the disposition “Cleared Prosecution Denied (CLPD)” and “Cleared (because the victim) Refused to Cooperate (CLRC)” were often used by investigators to clear a case. This disposition carries the same UCR clearance status as one which would have been “Cleared by an Arrest (CBA)” and should not be used to avoid making reasonable efforts to thoroughly investigate an assigned case and to identify and successfully prosecute an offender. During 2007, over 1,900 cases were actively investigated by CID. Of those nearly nineteen percent (19%) were cleared using one of these two case disposition definitions, 207 for CLPD and 151 for CLRC.

UCR/SBI guidelines for the use of these two dispositions require first that the identity of the suspect be known by the law enforcement agency; that the suspect’s location must be known so they could be picked up; and that there is enough probable cause to make an arrest. The victim’s non-cooperation or the District Attorney’s or other judicial official’s decision alone does not fulfill the requirement for this disposition. In other words, to use this disposition the investigator must first investigate the case, identify the suspect, and have enough evidence to arrest the suspect. The disposition could then be used if that arrest is prevented by forces outside of their control, such as the DA or a reluctant or uncooperative victim. Examples of apparent misapplication of these classifications include a burglary case that was never assigned to an investigator and that had no suspect information; a sexual assault case where the victim was never contacted and no suspect was identified; and several forgery cases where a suspect was not positively identified and there was no probable cause developed but CLPD was used because it did not meet a previously agreed upon “threshold” established by the DA’s Office. There were also examples of assault cases in which the suspect was not positively identified, but CLPD was used when the victim refused to cooperate and the required judicial official was never consulted. In another case the Assistant District Attorney stated that the elements of a sexual assault could not be supported by the evidence collected and the case was disposed of as CLPD when in fact it should have been either cleared as Unfounded or closed because all leads had been exhausted (CLLE).

Sergeants are responsible for ensuring the closure of a case is compliant with UCR guidelines and that investigators understand those guidelines in making their recommendations. It is not the records management section’s or crime analyst’s responsibility to second guess a recommendation made by CID. They report the dispositions as recommended.



Recommendation 3.1 – CID managers should receive updated training on the appropriate use of UCR disposition definitions and their application. This information should be shared with their subordinates to ensure the consistent and proper use of these standards. Lieutenants should periodically audit the use of CLPD and CLRC to make sure that every effort is being made to locate and gain the cooperation of victims of crimes who may be reluctant to assist in the follow-up investigation. It is not uncommon for victims of crime not to report the crime to the police. This is particular true in sex offenses. When a victim does make the effort to report the crime, every effort should be made to encourage their cooperation and connect the dots to similar crimes in which a suspect may not have been identified. Supervisors should ensure that in those cases where these dispositions do apply, that a suspect be clearly identified and entered in to the database for future consideration.

Finding 4 – The daily meeting (roll call) of the entire CID should be restructured to allow for the more efficient use of the investigators' time.

Consultants learned that all CID investigators and supervisors are required to attend a daily briefing at 9:00 AM. The purpose of this meeting is to share with investigators "roll call" type information similar to that presented to patrol officers prior to leaving the station and driving to their work areas. The investigator's typical work day begins at 8:00 AM and ends at 5:00 PM. It was reported that this 9:00 AM meeting results in investigators typically "hanging around the office" for an hour every morning waiting for the briefing, which normally lasts thirty minutes or more. Then they return to the office and it is sometime after 10:00 AM when they actually begin their work day. The information communicated at these meetings could be more effectively and efficiently disseminated, and this time, up to ten hours a week, could be better used by the investigators.

Recommendation 4.1 – Consultants recommend that the traditional daily meeting of the CID be replaced with weekly meetings of the investigators with their sergeants. The investigators working similar cases could share information and the sergeant could relay pertinent administrative information to the subordinates. Pertinent administrative and departmental information could be disseminated daily via e-mail to the investigators or in person by the supervisor.

Recommendation 4.2 – The command staff of CID should meet daily with the sergeants to discuss management and administrative issues relevant to the unit. Supervisors can brief the Command Staff about significant, ongoing investigations and receive input and feedback from their peers to assist in case development.



Finding 5 – The unwritten mandate requiring WSPD investigators to receive authorization from the District Attorney's Office before seeking felony charges is outdated and unnecessary.

Finding 6 – The training of patrol officers recommended in the SARC has not yet been fully developed or implemented by the WSPD.

Consultants found it difficult to determine exactly when and how this process began, but it has become an unwritten requirement for law enforcement officers in Forsyth County to review probable cause in felony cases with an Assistant District Attorney prior to, or at the very least shortly after, any felony arrest. This practice is not common in North Carolina. Consultants could only identify a few other jurisdictions using this screening and oversight policy. This review step in the arrest process is not a requirement of state law. It is, however, a common and best practice for law enforcement to confer with the prosecutor's office during complex, on-going investigations and solicit their input on the law and investigative strategies.

The Forsyth County the District Attorney's Office feels that input from their office prior to a felony arrest is necessary in order to ensure the quality of arrests and the effective and efficient use of their resources. Specifically cited is the need to review any felony arrest contemplated by the WSPD's Field Services Bureau. The confidence expressed by the DA Office in the skills, dedication, and experience in the CID unit contrasts dramatically with that expressed about the WSPD Field Services Bureau.

Recommendation 5.1 – CID investigators should maintain a liaison with the ADA normally assigned to cases they investigate to ensure the necessary open communications to promote quality services and successful prosecutions. However, the requirement to obtain specific prior approval for arrests from the District Attorney by CID investigators should be suspended.

Recommendation 6.1 – FSB should be required to continue the requirement to review felony cases with the ADA before arrests. FSB personnel should receive additional training in the police academy and in-service training on the importance of and how to conduct thorough and complete investigations. This training should include a checklist of specific actions to document during the course of their investigative activity.



Finding 7 – The “independent review” of cases recommended in the SARC to combat the phenomenon of “group think” and implemented by the CID has met the letter of that recommendation, but not its intent.

The SARC found that the potential for “group think” could adversely affect an investigation and the outcome of the investigative process. The City Manager suggested a process in the SARC report that would allow for police personnel who were not familiar with a case to periodically review cases assigned to CID to provide an outsider’s unbiased perspective of the direction that the case was headed and, when evident, to suggest alternative theories. This could be done on non-adjudicated closed cases to see if the same unbiased approach was documented to determine if the decision to suspend/inactivate a case or pursue a particular investigative strategy or suspect was appropriate, given the facts and circumstances. The core idea in the SARC recommendation was for someone who does not have a “dog in the fight” to be given an opportunity to do an independent review. The actual process initiated by CID falls short of that intent.

Consultants were informed that on occasion the Captain assigned to the Narcotics Unit is asked to look at a case and provide feedback if necessary. This is not the detached, independent, fresh look at a case anticipated by the SARC report.

Recommendation 7.1 – The Investigative Services Bureau Commander should structure a review process that includes representatives from several unrelated units across the department to meet and routinely discuss specific investigations. The cases could be selected by the Captain or submitted by CID supervisors for the review in an honest effort to get input and feedback on the quality of the work performed. The cases should be circulated to the review team in advance and they would then meet with the assigned investigator and sergeant to provide constructive criticism as well as the “fresh look” anticipated by the SARC recommendation.

Finding 8 – The use of the case template to facilitate the above recommended review has not been developed.

Recommendation 8.1 – The CID should develop and use a template to promote a thorough and standardized review process. This would be a useful guide for this review process and serve to document the efforts of the agency to comply with the SARC report. Consideration should be given to the possibility that this documentation and other records of this review activity may be subject to the rules of discovery in the prosecution of any suspect charged.



Finding 9 – The Career Development Plan recommended by the SARC report has not yet been implemented.

Recently the City of Raleigh Police Department announced that they would soon begin allowing lateral transfers into their agency. They are also likely to receive significant salary increases and/or other financial incentives as a part of the current budget process. The trend in law enforcement to recruit from other agencies is becoming more and more the practice rather than the exception. Traditionally, law enforcement agencies tended to hire, train, and promote from within their organization. With competition for the best and the brightest recruits and personnel on the rise, innovative agencies are looking for ways to attract trained and experienced officers. WSPD is and will continue to be a prime recruiting source for other agencies offering better pay and opportunities for advancement. Consultants were provided with a Career Development Plan outlining various career paths and criteria developed by the WSPD for the City to consider.

Recommendation 9.1 – The City Council should provide the necessary resources to encourage individual career growth and opportunities for advancement to its police employees as soon as possible. This program should not prevent or discourage officers from periodically rotating through the ISB to gain the investigative experience that would assist them in future supervisory and management positions. Pay scales and other financial incentive programs should be evaluated routinely and updated to keep the agency competitive.

Finding 10 – The General Order in place at the time of the assessment did not reflect the changes in the law and procedure regarding line-up procedures as recommended by the North Carolina Actual Innocence Commission.

Although the General Order had not been updated and circulated to members of the agency, consultants verified that the procedures in place reflect the changes required by the changes in the statute outlining the use of sequential line-ups. Consultants also verified that the appropriate training had occurred and that the department was using state of the art software to create line-ups that complied with the statute.

Recommendation 10.1 – The sign off necessary by the Department Head allowing for the updated general order to be approved and circulated should be accelerated.



Identification Division

The Forensic Services Division of the Winston-Salem Police Department provides a number of essential forensic services for the entire agency. One of their more critical roles is for crime scene technicians to conduct crimes scene investigations for the Criminal Investigation Division detectives. This responsibility requires accurate documentation of crimes through the use of photography, videography, diagramming, and written reporting of observations and activities during the investigation of the scene. Furthermore, crime scene technicians are required to locate, identify, collect and preserve physical evidence as it relates to specific crime scenes and provide testimony at trials as to their findings. The crime scene technicians are also responsible for developing and preserving latent finger and palm print impressions at crime scenes and on items of evidence that require chemical treatment that can only be applied in a laboratory setting. Once latent impressions have been developed, it is then the responsibility of the latent print examiner to search the fingerprint database maintained by the SBI in an effort to identify possible suspects. The latent print examiner is also required to present testimony as an expert witness at the time of trial as to the findings of the fingerprint or palmprint examination.

According to Richard Catalini (2006), writer and technical adviser for the television show *CSI: Crime Scene Investigation*, a number of forensic-based television shows have been created since *CSI*'s premiere in 2000. It is Catalini's opinion these shows not only offer entertainment, but also provide forensic science education. Although the shows focus is on the most novel and intriguing forensic techniques, while avoiding the more realistic tasks of actual crime scene investigation, they are in the business of solving complex crimes in just one hour. In a 2004 interview with USA Today, producers of *CSI* admitted "they take some liberties with facts and the capabilities of forensic science, but they say it's necessary to keep story lines moving" (Willing, 2004, p. 1).

The question then is: does the possibility exist that these programs have influenced American society to have an unrealistic expectation for the detection and analysis of forensic evidence? Since the inception of these television shows, many prosecutors, defense lawyers, law enforcement officials, judges, and journalists have suggested that these programs influence jurors and refer to this influence as the "CSI Effect" or "CSI Syndrome." These expectations could result in juries being disappointed in the real evidence presented at trial, because there is little or no forensic evidence offered, or what is offered is less than impressive as depicted on television (Schweitzer & Saks, 2007, p. 357).



The "CSI Effect" is ironically occurring at a point in time when the American courts are experiencing a realization that there is little if any science in what is being referred to as forensic evidence. For the past 15 years, the courts have been scrutinizing scientific evidence with a higher degree of skepticism and discovering the weaknesses in some areas of forensic science. Along with these recent discoveries by the courts come the television programs portraying completely opposite capabilities of the detection and analysis of scientific evidence. Meanwhile, researchers have been analyzing and detecting forensic science errors in addition to their practical and conceptual shortcomings. In particular, researchers have paid close attention to the areas of individualization or identification. Exonerations occurring because of DNA analysis suggest that errors in the analysis of forensic evidence, along with fabrication of evidence, are among the leading causes of false conviction (Schweitzer & Saks, 2007, p. 359).

Since 1994, three cases decided by the Supreme Courts, *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, *General Electric Co. et al. v. Joiner*, and *Kumho Tire Co., Ltd., et al. v. Carmichael*, commonly referred to today as the "Daubert Trilogy," have caused trial judges to become "gatekeepers" of the admissibility of expert testimony and be charged with a responsibility that impacts the outcome of thousands of both criminal trials and civil litigation in America today. They are being called upon to examine methods, techniques, and the logic of science before making admissibility rulings. For these judges to be effective in their duties they must be capable of discerning "good" science from "bad" science. Trial judges have received more guidance from the higher courts regarding expert witness admissibility in the past 15 years than they had in the 70 preceding years.

An empirical study was designed in 2007 to test one fundamental element of the CSI Effect: whether people who watch forensic science fiction react differently to the more conventional kinds of forensic science found in a courtroom. The study was conducted by N.J. Schweitzer, Ph.D candidate, Department of Psychology, Arizona State University and Michael J. Saks, Professor of Law and Psychology and Faculty Fellow, Center for the Study of Law, Science, and Technology, Sandra Day O'Connor College of Law. Schweitzer and Saks believe there are a number of hypotheses concerning the so called CSI Effect; however, in their study they examined one that would have an impact on the prosecution and the other that would have an impact on the defense. They stated "the CSI Effect suggests that the television program and its spin-offs, which wildly exaggerate and glorify forensic science, affect the public, and in turn, affect trials either by (a) burdening the prosecution by creating greater expectations about forensic science than can be delivered or (b) burdening the defense by creating exaggerated faith in the capabilities and reliability of forensic sciences" (Schweitzer & Saks, 2007, p. 357 & 360).



The study included 48 university students that were presented a brief (11-page) simulated transcript of a criminal trial in which an expert witness testified that in his opinion that a hair found inside of a ski mask recovered at the scene of a robbery originated from the defendant. Participants in the study completed a questionnaire which assessed their perception of the scientific evidence and the trial as a whole. Furthermore, the participants were asked about the frequency with which they watched general crime-themed programs and forensic science themed programs. The participants were grouped according to the frequency with which they viewed these two categories of programs. Those who never watched these programs were grouped as non-viewers and those who reported watching one or more a month were grouped as viewers (Schweitzer & Saks, 2007, p. 361-362).

Participants in the study who rated themselves as viewers of forensic science programs claimed to have a greater understanding of forensic science tasks, along with a greater confidence in their verdict and a much greater skepticism regarding the results of the hair analysis. These findings support the one critical component of the hypothetical CSI Effect. That is that is people who watch forensic science television programs expect better science than what is often presented in a real courtroom. This data supports the claim that the CSI Effect increases the prosecution's burden. No impact was found on the participants vote to convict or acquit (Schweitzer & Saks, 2007, p. 363-364).

In another empirical study conducted in 2006, by a Michigan Circuit Judge and two Eastern Michigan University criminology professors, 1,027 individuals summoned for jury duty in a Michigan state court were given a survey prior to being selected for a jury. Television viewing habits were measured along with expectations concerning the likelihood that scientific evidence would be presented in certain types of cases. The survey found that 42% of the respondents watched *CSI* regularly, often, or on occasion. Additionally, 46% expected to see some sort of scientific evidence in every criminal case. The more serious the charge the higher the expectation was for scientific evidence being presented at trial. As an example, 74% of the respondents expected to see some sort of scientific evidence in cases of murder or attempted murder. Furthermore, 73% had expectations of seeing scientific evidence in sexual assault cases. In fact, the survey showed that jurors that watched *CSI* were only slightly more likely to have expectations of scientific evidence than non-watchers (Shelton, 2006, p. 1).

Most importantly, the survey suggests that most jurors, not just the *CSI* watchers, had expectations of seeing some type of scientific evidence at the trials involving more serious offenses. Moreover, the survey did not reflect that jurors who watched crime related programs had any higher expectations regarding scientific evidence than jurors that did not watch these shows. However, in those cases where the prosecution had relied exclusively on circumstantial evidence 42% of the perspective jurors required scientific evidence for a finding of guilty. In addition, 26% felt it necessary to hold the prosecution to the same standard in cases of sexual assault (Shelton, 2006, p. 1).



Physical evidence plays a critical role in an investigation and has the potential to assist in a speedy resolution to a suspected criminal act. Successful recovery of this evidence is dependant upon the actions taken early in the investigation of the scene by the WSPD crime scene technician. Technological developments and improvements concerning the interpretation and analysis of physical evidence recovered for crime scene plays an even greater importance on the properly documented and preserved evidence. The goal of a crime scene investigation is to recognize and preserve physical evidence that will produce reliable information to assist in a criminal investigation. An important factor that influences the critical legal significance of science evidence is that the investigation must follow a thoughtful, objective, and thorough approach. WSPD technicians must approach every crime scene as if it were the only opportunity to recover and preserve the physical clues. Other case information collected by the CID detectives must be objectively taken into consideration, such as witnesses' and suspects' statements. Therefore, it is crucial that these two units maintain a harmonious relationship as they work together towards the resolution of criminal investigations.

The impact of the CSI Effect on the public has produced jurors that are demanding of a higher standard of work produced by today's crime scene investigators. Although jurors may have expectations much higher than can realistically be produced, crime scene investigators must be vigilant in maintaining the highest possible standards of technical ability by continuously seeking training in the ever changing world of scientific technology.

Interviews were conducted with members of the Winston-Salem Police Department Identification Unit and the Evidence Management Supervisor. In addition, an assessment of current policies, procedures, training needs, equipment and staffing was completed. Research was conducted in an effort to establish and recommend best practices and latest available forensic technology. Furthermore, personal observations were made of the Forensic Services Division facilities to include employee work space, evidence processing area, vehicles, arrestee booking room and chemical breath test room.

The Forensic Services Division of the Winston-Salem Police Department is under the command of the Investigative Services Bureau Assistant Chief and is supervised by a Lieutenant. The Forensic Services Division is responsible for providing a number of services for the agency including those forensic services which play a critical role in supporting the Criminal Investigation Division. These responsibilities include and are not limited to:

- Crime scene investigation.
- Court testimony regarding finding and results of a crime scene investigation.
- Forensic photography.
- Preparation of photographic lineups.
- Fingerprinting and photographing all individuals arrested in Forsyth County.
- Establishing positive fingerprint identification of all arrestees.
- Administration of chemical breath tests to individuals suspected of DWI.
- Developing latent finger and palm impressions from items of evidence.
- Court testimony regarding the administering of chemical breath tests.



- Comparison of latent finger and palm impressions with possible suspect impressions.
- Rendering expert opinion in court regarding results of latent impression comparisons.

In 2007, the Forensic Services Division responded to 4,667 crimes scenes, conducted 232 chemical breath tests, witnessed 33 DWI blood draws for DWI cases, booked 11,478 arrestees, and identified 161 suspects in a variety of criminal investigations. A complete breakdown of the 2007 statistics is attached at the conclusion of this report.

According to the most recent organizational chart, the staffing of the Forensic Services Division consists of a total of 38 employees consisting of:

- 1 Lieutenant,
- 1 Crime Scene Supervisor (used as a Latent Fingerprint Expert),
- 6 Crime Scene Supervisors,
- 19 Crime Scene Technicians,
- 5 Senior Crime Scene Technicians (one used as a part-time Latent Print Expert),
- 5 Police Processing Technicians, and
- 1 Police Identification Supervisor.

The division is broken down into four squads with one supervisor, one senior crime technician, crime scene technicians (the number of which varies for each squad), and one police processing technician.

In the fall of 2006, the WSPD administration recognized the need to address personnel issues in the Forensic Services Division that were having an adverse impact on employee job performance and were the primary cause of low morale. The retiring civilian director of the Forensic Services Division was replaced with a sworn officer holding the rank of lieutenant. Approximately nine to ten months later, the Chief of Police and Assistant Chief replaced the Forensic Services Division lieutenant with the current lieutenant, pledging him their full support to get the Forensic Services Division on the right track.



The current lieutenant is a 27-year veteran of the Winston-Salem Police Department and has served in a number of capacities as a uniform officer and uniform supervisor, a detective and detective supervisor, and administrative assignments in the chief's office. He is a well-rounded and experienced professional law enforcement officer, who is articulate and possesses outstanding leadership skills. Over the past seven months, he has conducted a full assessment of the Forensic Services Division and identified a number of areas where deficiencies exist. He is well aware of the shortcomings of the division and also aware of the fact that it is going to take a number of years for the division to overcome these deficiencies. He is faced with not only making efforts to improve the division, but also challenged with trying to ensure that the division continues to maintain its strengths. The overall future success of this division is dependant upon effective supervision, management, and leadership coupled with the financial support for increased training, equipment, salaries, and facility improvements.

Finding 1 – The Forensic Services Division and the Evidence/Property Management Unit are still operating under outdated General Order 4.11 which was last updated on June 23, 2003. A draft of General Order 4.11 has been written exclusively for the Evidence/Property Management Unit and a draft General Order 4.12 has been written exclusively for Crime Scene Processing. As of March 14, 2008, neither one of these general orders has been approved. The agency's administration has had a number of meetings concerning these general orders and there have been a number of revisions to the drafts since 2007. For the Forensic Services Division and Evidence Property Management to become a productive, well-managed units of the agency, sound general orders that enforce best practices and policies are a necessity. The Evidence Property and Management Unit has implemented an electronic link in the case management system (PISTOL) which was recommend by the city manager to prevent the premature destruction of evidence.

Recommendation 1.1 – Not knowing what the final drafts contain, it is not possible to make a valid recommendation. However, the consultants recommend that the review process of the general orders drafted by the administration be expedited and completed in the very near future.

Finding 2 – The supervising lieutenant recognizes there is a need for the crime scene technicians to receive basic, intermediate and advanced level training.

Recommendation 2.1 – Consultants recommend that funding be provided for all crime scene technicians to receive basic, intermediate, and advanced level training in all aspects of crime scene investigation, detection and preservation of physical evidence, along with training in testifying as a witness in a court of law.



Finding 3 – A goal set by the supervising lieutenant has been for each crime scene technician to achieve the Crime Scene Investigators Level One certification from the International Association of Identification. Currently, all crime scene technicians for the Charlotte-Mecklenburg Police Department hold this certification and the City-County Bureau of Identification located in Raleigh, NC, is in the processing of accomplishing this same goal.

Recommendation 3.1 – Consultants recommend funding be provided for all crime scene supervisors, senior crime scene technicians, and crime scene technicians to achieve Level One Crime Scene Investigators Certification from the International Association of Identification.

Finding 4 – The supervising lieutenant recognizes that the goals and objectives of the division cannot be met without a well-trained staff of supervisors. One of his primary objectives is to provide the staff of supervisors with sufficient management and supervision training.

Recommendation 4.1 – Consultants recommend that funding be provided for basic intermediate and advanced level management, supervision, and leadership training for the supervising lieutenant, all crime scene supervisors, and senior crime scene technicians.

Finding 5 – The city of Winston-Salem provides an educational incentive for all employees who further their education at a college or university. Sworn officers receive pay increases with the completion of degrees, but this incentive is not available for civilian employees such as those assigned to the Forensic Services Division. This disparity is one of the causes of low employee morale and the feeling of not being fully appreciated or worthy of recognition for seeking a higher level of education.

Recommendation 5.1 – Consultants recommend that educational incentives be provided for all civilian personnel assigned to the Forensic Services Division.

Finding 6 – The supervising lieutenant has identified a need for selected members of the division to receive intermediate and advanced level training in the science of latent finger and palm print identification. The current latent fingerprint expert will retire in the summer of 2008 after 30 years of service with the Winston-Salem Police Department. Although he has done the work of an expert forensic examiner, he was never recognized as such in his job title or salary. During most of his career he has had an interest in the science of fingerprint identification and has obtained most of his training in his field of expertise on his own. He has testified as an expert in the science of finger and palm print identification on many occasions in both state and federal court over the course of his career. The science of finger and palm print identification requires that all print identifications be verified by a second expert. Currently there is one individual on staff that verifies the latent print identifications but who also is not recognized by the agency as a latent print examiner. Upon the upcoming retirement of the expert examiner, there will not be an adequate number of latent experts on staff to conduct examinations, verifications, and peer reviews. Neither the current expert nor the agent making the verifications is recognized as a certified latent print examiner by the International Association of Identification.



Recommendation 6.1 – Consultants recommend that retiring expert examiner's current position be reclassified to that of a latent print examiner and the salary be set comparable to that of other examiners in similar sized agencies.

Recommendation 6.2 – Consultants recommend staffing the Forensic Services Division with two full-time latent print examiners to avoid future shortage of forensic experts and would also adequately provide for peer reviews and verifications of examinations and identifications made by each expert.

Recommendation 6.3 – Consultants recommend funding for basic, intermediate, and advanced level training for two latent print examiners.

Recommendation 6.4 – Consultants recommend that all latent print examiners be certified by the International Association of Identification.

Finding 7 – Latent print evidence that is collected by crime scene technicians is examined by the collecting technician to determine which finger and palm prints are of value and which are not. In non-major crimes those prints that are not of value are destroyed by the collecting technician after a supervisor or senior crime scene technician reviews the prints and approves which prints are to be destroyed. The technician then indicates in the crime scene report how many latent prints of value were collected. There is no record kept of the total number of prints collected, including those considered to be of no value, nor is there a record kept of who approved the destruction of the prints or how many were destroyed. Furthermore, there is no written policy defining which crimes are considered to be major crimes. This practice runs the risk of inculpatory and exculpatory evidence being destroyed and not made available for use by either the prosecution or defense. Additionally, all latent prints considered to be of value are placed into a separate envelope for each case and then placed into an unlocked filing cabinet. The prints are later examined by the expert latent print examiner. There is no written report prepared for fingerprint examinations that do not yield identifications.

Recommendation 7.1 – Consultants recommend that crime scene technicians collect all latent prints found at crime scenes or on items of evidence no matter how fragmented or distorted the appearance of the print. Crime scene technicians should document in a written report the location of each latent print recovered from a crime scene or item of evidence.

Recommendation 7.2 – Consultants recommend that no latent prints be destroyed, no matter what the crime classification, and that the expert latent print examiner be the only person who determines which prints are of value and which are not.



Recommendation 7.3 – Consultants recommend that all latent print evidence be submitted to the Evidence and Property Management Unit for proper documentation and secured storage. A notification system within the Forensic Services Division can be established alerting the latent print examiner that latent prints are being held as evidence in a particular case and are ready for examination. Then the latent print examiner can checkout the latent print evidence from the Evidence and Property Management Unit and conduct the necessary forensic examination.

Recommendation 7.4 – Consultants recommend that the latent print examiner generate a report for all forensic print examinations describing how many latent finger and palm prints there are in each case, how many are of value, where each print of value was located and obtained, and which prints were identified as being identical to a particular individual. A report should be generated for all requests from a CID detective to compare a specific individual in a particular case or cases whether identification was established or not.

Finding 8 – The Forensic Services Division does not have a local finger and palm print database computer system consisting of finger and palm prints of those individuals arrested in Forsyth County. The division currently relies on the state fingerprint database, State Automated Fingerprint Identification System (SAFIS), which is limited in its capability to provide many of the functions that a local database could provide. In fact, the state system is more complex to operate and requires latent print input by a latent print expert. The value of such a local database cannot be over stated and offers remarkable value for use throughout the agency and interoperability with other networking agencies.

Recommendation 8.1 – Consultants recommend the funding of a local finger and palm print database that has the capability of electronically storing finger and palm print data. The system should not only have the capability of searching latent finger and palm prints stored in the local database but should also be capable of networking with other agencies that have finger and palm databases creating an interoperability between systems. There are several agencies along the I-40 / I-85 corridor that currently have this technology and several others that are planning to acquire this capability in the near future. The Greensboro Police Department just recently installed a local finger and palm print database system that could easily be shared with the Winston-Salem Police Department.

Finding 9 – There are an insufficient number of employees working at any one time in the jail booking room to effectively maintain the booking process and chemical breath testing of arrestees.

The position title for this job function is Police Processing Technician or PPT with a primary job responsibility of fingerprinting and photographing arrestees brought into the Forsyth County jail. This is a service provided to all law enforcement agencies in Forsyth County and has been an traditional, established responsibility of the Winston-Salem Police Department for many years. The fingerprinting of arrestees is a service that must be provided 7 days a week, 24 hours a day. Currently there is only one PPT allocated for each of the four Forensic Services Division squads.



When the on-duty squad PPT is scheduled to be off or calls in sick, a crime scene technician from the on-duty squad must work in the booking room. This results in a reduction in the number of technicians available to respond to requests for crime scene investigation. If a PPT resigns, crime scene technicians are used to perform that job function until a new person is hired and trained. Furthermore, PPT's are required to conduct chemical breath testing of individuals arrested for Driving While Impaired. This responsibility is not only an additional burden while on-duty, but the PPT must also appear in court to testify about the results of these tests, taking them away from their responsibilities in the booking room. Another issue of concern is that not everyone arrested in Forsyth County is being fingerprinted which reduces the number of fingerprints on file for comparison with the latent prints recovered from past, present, and future crimes scenes.

Recommendation 9.1 – Consultants recommend that the staffing for the booking room be maintained at a minimum of two PPT's at all times.

Recommendation 9.2 – Consultants recommend that conducting chemical breath tests be the responsibility of a sworn officer and not the PPT.

Recommendation 9.3 – Consultants recommend that all persons arrested in Forsyth County for a criminal offense be fingerprinted and photographed each time they are arrested and not just when fingerprints and photographs are not on file. The value of high quality prints and photographs cannot be overstated when the primary use of these records is to assist in solving crimes that have occurred and for future criminal investigations.

Finding 10 – Another aspect of the booking process that is in need of updating is the manner in which positive identification of arrestees is established. Currently, arrestee finger and palm prints are captured digitally on a system known as a *Livescan*. The captured data is then printed on a standard fingerprint card and later classified using an outdated, complex method of classification known as the Henry System. This is a 100-year-old system of filing fingerprint cards based upon a method of identifying the class characteristics of all ten fingerprints and then creating a formula or classification for that set of prints. The fingerprint cards, which also contain the palm prints on the back side, are then filed by the classification, not by name or identifying number. This method of filing the cards allows for a systematic method of manually searching all fingerprint cards of the same classification in an effort to determine positive identity. The Henry method of classification has not been used in modern identification bureaus for decades.

The Henry system of storing and searching fingerprint cards for the purpose of establishing positive identification has been replaced by modern computer technology that is easy to use and much more accurate than this manual method of establishing positive identification. When the need arises to establish positive identification immediately, the PPT must classify the fingerprint card of the individual whose identity is in question, and then manually search the Henry fingerprint files, manually comparing every set of fingerprints on file under the same classification. This is a very time consuming process that can take several hours to complete, and its accuracy is less than acceptable in today's world of available modern technology.



Furthermore, all PPT's and crime scene technicians must attend an off-site training program, at a cost to the agency, for the purpose of learning this complex manual system of fingerprint classification.

Recommendation 10.1 – Consultants recommend the funding of a computerized fingerprint management system known as a NIST Manager (National Institute of Standards Technology) that electronically stores the arrestee finger and palm print data and provides an instantaneous search capability for the purpose of establishing positive identification. The NIST Manager eliminates the need for a manual fingerprint file resulting in the quick electronic recovery of fingerprint cards from a database. Another feature of the NIST system is that it provides for what is known as a “one-to-many fingerprint search.” When an arrestee is brought to the booking room one finger is place on a small scanning device, and if the arrestee is in the database, a positive identification is established immediately. This “one-to-many” or “mobile quick fingerprint identification system” can be accessed not only in the booking room but also remote locations. What this means is that officers on the street can be armed with a small portable, wireless, electronic scanning devices which are capable of capturing a fingerprint image and transmitting the image remotely for a search of the NIST Manager. If identification is established, the NIST Manager then returns a photograph and demographic information of the individual in question, ether on a mobile data computer or a cellular telephone. Much like networking capability of the local finger and palm prints database mentioned in a previous recommendation, the NIST Manager can also be networked with other agencies. This networking capability would allow for the searching of other agency databases for the quick mobile fingerprint identification. For example, when an officer on the street encounters an individual whose identity is in question, a search of the WSPD database would take place first, and if there were no identifications, then a search of all other networked agencies databases would take place.

Finding 11 – The facility currently being used by crime scene technicians to process and package evidence is located in a two-bay garage. One of the bays is used for storing supplies for the Evidence and Property Management. This garage is the only area available for use to examine and package evidence which contains bio-hazard materials, such as blood stained materials and materials recovered from decomposed bodies. These items are often putrid, and there is no ventilation in the garage to remove the putrid smells. This garage is not secured to limit access by employees other than those assigned to the Forensic Services Division. Evidence lockers used for temporary storage of evidence are nothing more than small, old metal-grate cabinets, once used as gym lockers in a school. Tables rather than laboratory counters are used to examine, package, and prepare evidence for submission to the crime laboratory. Evidence needing to be analyzed with chemicals, powders, and alternate light sources for the development of latent print evidence is also processed in this garage. Ventilation is inadequate, and when certain processes are used, the large overhead doors must be opened to reduce the exposure to chemical fumes. The garage does not have adequate laboratory equipment for the development of latent prints on large items such as long guns, and not does it contain the necessary equipment to adequately capture, reproduce and enhance latent print evidence. The small laboratory space



inside the Forensic Services Division that was once designated for the processing and development of latent evidence is now being used for employee work stations.

Recommendation 11.1 – Consultants recommend funding to provide the Forensic Services Division with an adequate laboratory environment that is secure from intrusion by individuals not assigned to the division and is properly ventilated and equipped to be used for the development and preservation of latent print evidence. This laboratory facility should be adequately equipped to properly handle evidence containing bio-hazards and a “clean room” for the preparation of evidence for DNA analysis. State-of-the-art temporary evidence storage lockers are needed in addition to a secured temporary bulk evidence storage facility. Facilities that are properly ventilated and can be readily decontaminated are needed for the proper handling of evidence items that have become blood soaked or putrefied.



Forensic Services Division, 2007
Total number of Arrestees Processed – 11,478

Assault	299
Arson	8
Burglary	2,193
Communicating Threats	11
Disorderly Conduct	23
Drugs	98
DWI	232 (breath test) 33 (blood test)
Embezzlement	1
Family Offense	5
Forgery	8
Fraud	23
Homicide	25
Kidnapping	48
Auto Breaking and Larceny	357
Larceny from Auto	276
Larceny	196
Shoplifting	15
Liquor Laws	1
Motor Vehicle Theft	393
Rape	66
Robbery	275
Sexual Offenses	15
Stolen Property	15
Trespassing	38
Vandalism	205
Weapons Violation	73
TOTAL	4,932

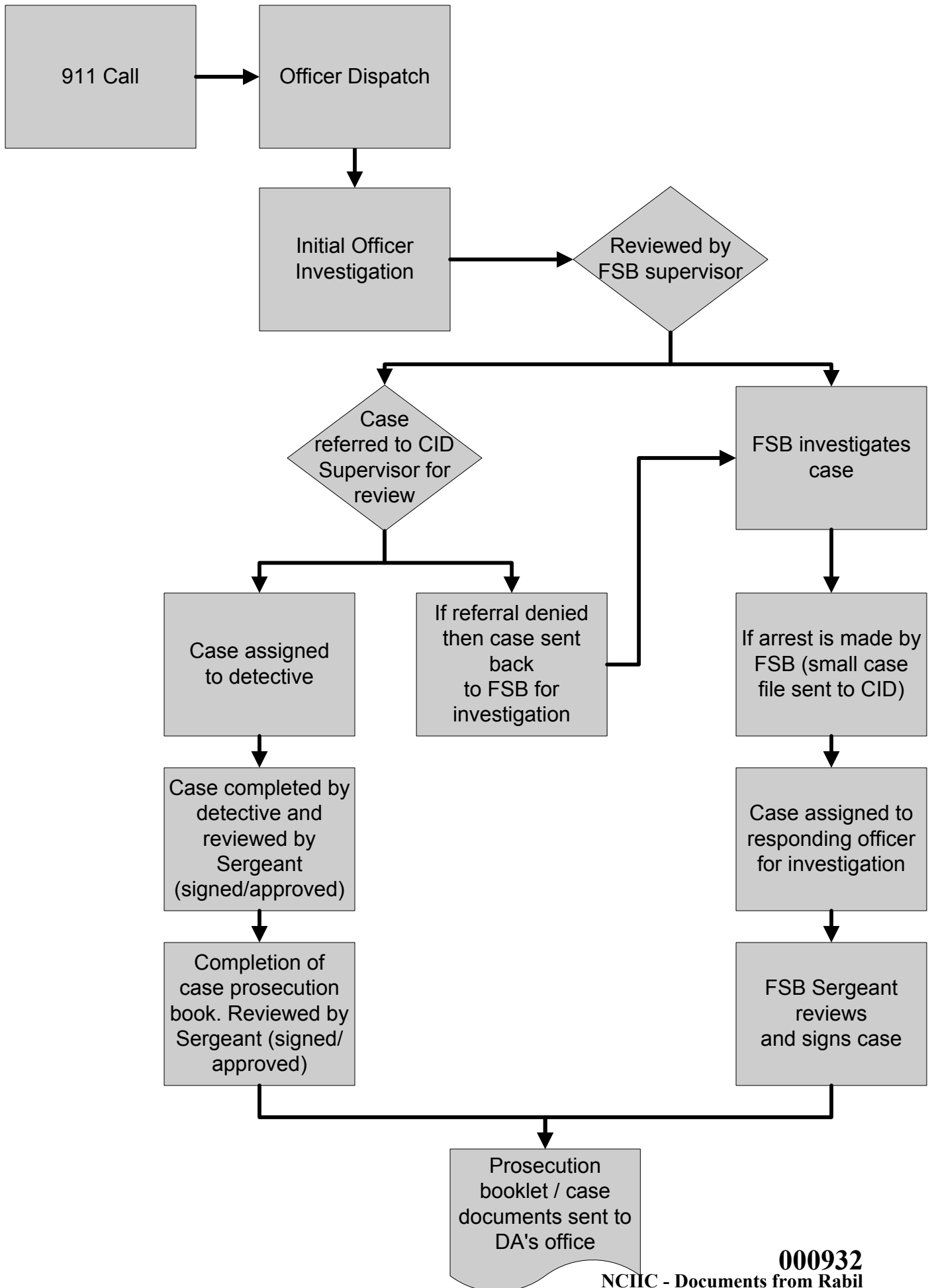


State Automated Fingerprint Identification System Totals, 2007

	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
Latent Prints Examined	291	237	301	271	211	248	287	228	261	201	210	234	2,950
Suspects Identified	14	10	22	16	10	11	16	16	12	12	12	10	161
Reverse Identifications	1	2	-	-	-	-	-	-	1	-	1	-	5
Latent Prints Identified	51	28	59	45	29	32	57	41	39	41	54	20	496
Number of Suspects Identified by Case Type													
Homicide	-	-	1	-	-	-	-	-	-	-	3	-	4
Robbery	2	-	1	-	-	-	1	-	1	-	1	1	7
Rape	-	-	-	-	-	-	-	-	-	-	-	-	0
Residential B&E	7	1	4	9	-	2	5	3	3	5	1	5	45
Commercial B&E	2	1	4	1	3	1	3	2	2	-	1	1	21
Vehicle Thefts	1	3	10	5	5	6	6	7	3	7	2	1	56
Vehicle B&E	2	2	1	-	-	1	1	2	3	-	1	2	15
Misc.	-	3	1	1	2	1	-	2	-	-	3	-	13
TOTALS:	14	10	22	16	10	11	16	16	12	12	12	10	161

*Approximately 1,531 cases submitted to be run on AFIS. Total of 161 suspects identified.

Winston Salem Police Department
Case Screening and Assignment





PERSONS INTERVIEWED

City Manager Lee Garrity
Assistant City Manager Derwick Paige
City Councilman Nelson Malloy
City Councilman Robert Clark
City Councilwoman Vivian Burke
City Councilwoman Joycelyn Johnson
City Councilwoman Molly Leight
City Councilwoman Wanda Merchel
Chief of Police Patricia Norris
Assistant Chief Ronnie Abernathy
Assistant Chief Louis Saunders
Captain D. Clayton
Captain K. Leonard
Captain T. Jones
Lt. T. Best
Lt. C. Thompson
Lt. S. Perkins
Lt. J. Fereilli
Lt. S. Smith
Lt. B. Macey
Sgt. R. Taylor
Sgt. C. Robert
Sgt. R. Cozart
Sgt. E. Craven
Det. D. Taylor
Cpl. M. Poe
Cpl. R. Davis
Det. K. Wilkinson
Det. M. Adams
Det. S. Sluder
Officer J. Bowman
Evidence Manager Michelle Poe
Latent Fingerprint Examiner Charles Crater
Records Section Manager Mary Rumble
Administrative Assistant Janice Williams
Assistant City Attorney Julie Risher
Senior Systems Analyst Julia Connelly
District Attorney Thomas Keith
Assistant District Attorney David Hall
Forsyth County Pubic Defender Pete Cleary and several members of his office
Twenty-five citizens in a town meeting public forum
Fourteen citizens in private at the town meeting
Three citizens by telephone



DOCUMENTS REVIEWED

Sykes Administrative Review Committee Report

City Manager's Recommendations from the Sykes Administrative Review Committee Report

WSPD Retreat 2007 – Sykes Case Overview (CD)

Resolution of the Winston-Salem City Council Establishing a Citizen Review Committee For The Silk Plant Forest Investigation Administrative Review and related documents

Silk Plant Forest citizen review committee memorandum

Quality Standards for Investigations, President's Council on Integrity and Efficiency, and Executive Council on Integrity and Efficiency

WSPD General Orders relating to the Administrative Division, Criminal Investigative Division, Field Services Bureau, and Crime Scene Investigations

WSPD Criminal Investigations Division Standard Operating Procedures

Compliance records related to C.A.L.E.A.

WSPD Report Writing Manual

Major criminal investigations checklists

WSPD Policy Manual

Identification Division Standard Operating Procedures

WSPD Strategic Plan November 2004

WSPD Strategic Plan Accomplishments December 2006

2005 legal update training outline, schedule and roster for discovery/Brady Issues

Photo Line-Up Policy (new and old)

Becoming The Totally Responsible Person (TRP) Workbook

Management's Role in Keeping Good People Good

WSPD Ethics Training Program 2004-2007



Institute for Dismantling Racism Program

Results-Based Problem Solving Training Program

Results Based Management and Supervision Training Program

Professional Standards/Internal Affairs Summary Report 7/01/2006 – 12/31/2007

Career ladder proposals

Career ladder program for non-supervisory officers implementation summary

WSPD police pay plan

City of Winston-Salem Education Assistance Policy

City of Winston-Salem Compensation (Pay Plan) and related Board of Alderman actions

Charting Our Course-WSPD Strategic Plan 2006-2009

WSPD Legal Bulletins March 2002, Summer 2004, and Summer 2006

Implications of Untruthful Behavior Training PowerPoint

Incident Investigation Report Form (05/01/2002)

Investigative Services Bureau daily roll call

Investigative Service Bureau personnel chart Rev. 10/31/2006

WSPD cases referred to CID report 01/01/2006 to 12/31/2006

WSPD cases referred to CID assigned staff report 01/01/2006 to 12/31/2006

Case Management Status Code Sheets

Investigator cases by assignment date range (PISTOL Report)

WSPD CID delinquent open cases report (01/01/2002 – 01/23/2008)

Homicide cases assignment log (date assigned – date due)

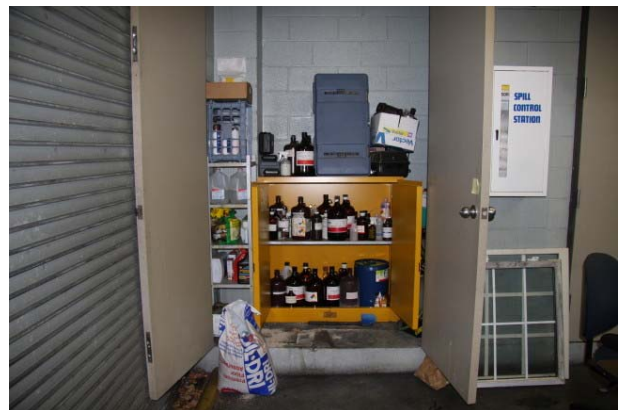
Squad sergeants PISTOL case logs for 2007

Eight separate WSPD/CID crime statistical (Crystal) reports for the years 2006 and 2007



PHOTOS, FORENSIC SERVICES DIVISION









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General Electric Co. Et Al v. Joiner. United States Supreme Court. 522 U.S.136 (1997). Findlaw. 23 Sept. 2006 <http://laws.findlaw.com/us/522/136.html>.

Kumho Tire Co., Ltd., et al. v. Carmichael et al. United State Supreme Court. 526 U.S. 137 (1999). Findlaw. 20 Sept. 2006 <http://laws.findlaw.com/us/000/97-1709.html>.

Schweitzer, N.J. and Saks, Michael J., *"The CSI Effect – Popular Fiction About Forensic Science Affects Public Expectations About Real Forensic Science"* Jurimetrics, Vol. 47, p. 357, Spring 2007 <http://www.public.asu.edu/~nschwei/archive/csieffect.pdf>.

Shelton Donald E., et al., *A Study of Juror Expectations and Demands Concerning Scientific Evidence – Does the “CSI Effect” Exist?* 9 Vanderbilt J. Of Ent. Tech. Law 331 (2006) <http://www.themevision.com/files/CSI%20EFFECT.pdf>.

Willing Richard, *“CSI Effect” Has Juries Wanting More Evidence.* (2004, August 5). USA Today. http://www.usatoday.com/life/television/news/2004-08-05-csi-effect_x.htm.

Handout 32

6 **B. Findings and Recommendations Concerning Investigatory Interviews**

7 As noted above, Andra Wilson, Valerie Williams, Pamela Moore, and Eugene
8 Littlejohn provided the police with information directly incriminating Calvin
9 Smith.² With the exception of Andra Wilson, all of these people have now
10 recanted. Accordingly, one of the principal issues in this case is whether the
11 information that these people provided the police was false. Williams, Moore, and
12 Littlejohn have all contended that it was, and all of them have attempted to explain
13 why they gave the police false information.

14 For example, Valerie Williams explains that when she was interviewed by the
15 police on January 24, 1997, she told them that she did not know anything about the
16 Jill Marker case but that they threatened to lock her up for withholding evidence.
17 She explains that the police told her (falsely) that Calvin Smith had failed a lie
18 detector test. She explains that the police told her (correctly) that Smith had
19 admitted to being present at the Silk Plant Forest store but that Smith had denied
20 beating Jill Marker. She then signed a statement asserting that Smith had made the
21 very same admission to her. She explains that she did this because she thought the
22 detectives would charge her with a crime if she did not sign the statement, even
23 though the statement was false. She explains that Smith had made no
24 incriminating admission to her.

25 Along a similar vein, Eugene Littlejohn explains that after the arrest of Calvin
26 Smith, the police began to come by his house almost daily, trying to get him to say
27 something about the Jill Marker case. He told them he knew nothing about the
28 case, but they continued to harass him. The police threatened to put him in prison
29 if he did not admit that he knew something about the attack. The police eventually

² One member of the Committee undertook the laborious and exacting task of reviewing the various utterances of Andra Wilson, Valerie Williams, Eugene Littlejohn, Jill Marker, Kenneth Lamoureux, Pamela Moore, and Calvin Smith, and compiling them in a single document. These compilations are attached to this Report as Attachment Two.

1 took him down to the police station and told him (falsely) that Smith had confessed
2 to the crime and had implicated him (Littlejohn) in the process. Littlejohn explains
3 that he gave in to the pressure. He made several statements to the police, and on
4 each occasion, according to Littlejohn, “the detectives told me some stuff to say.”
5 Eugene Littlejohn also alleges that Assistant District Attorney Eric Saunders
6 offered him \$500 in exchange for his cooperation. Mr. Saunders denies these
7 charges.

8 Pamela Moore explains that the investigators interviewed her while she was
9 being held in the Surry County Jail on unrelated charges. She claims that the
10 investigators recorded her interview and at one point stopped the recording so that
11 they could coach her about what to say. She explains that she then revised her
12 statement in accordance with the investigators’ suggestions and that the
13 investigators recorded her revised statement over her first statement. She explains
14 that she chose to give testimony against Calvin Smith because she was led to
15 believe that the criminal charges against her would be dropped in exchange for her
16 cooperation.

17 Professor James Coleman, the Director of the Duke Innocence Project, who is
18 intimately familiar with the record in this case, has advised the Committee, in a
19 public hearing, that in his view it is likely that some of the testimony given by
20 some of the witnesses in this case, particularly Eugene Littlejohn, was concocted
21 by the investigators themselves.

22 The investigators have denied essentially all of these charges, and the general
23 issue has been recently litigated, to the extent that such an issue can be litigated in
24 a post-conviction setting, pursuant to Smith’s recent Motion for Appropriate
25 Relief. In the Committee’s view, this is a difficult issue to sort out.

26 Over the course of the Silk Plant Forest investigation, the investigators used
27 various interviewing techniques, and followed various practices with respect to the
28 recordation of interviews and statements by witnesses. Some of the interviews
29 were field interviews; some were conducted at police headquarters. Some of the
30 interviews were tape recorded and transcribed; others were not. Some of the tape
31 recordings appear to encompass the entire interview; some appear to begin at a
32 point after the witness and the investigators had already begun to discuss the case.

1 Some of the witnesses and suspects were asked to sign written statements; others
2 were not.

3 The crucial, three-hour interviews of Calvin Smith and Valerie Williams at the
4 police station on January 24, 1997, which resulted in the arrest of Calvin Smith,
5 were not tape recorded. These interviews resulted in short, written statements
6 signed by Smith and Valerie Williams. What *the investigators* said to Smith and
7 Williams during these interviews does not appear in any contemporaneous record.
8 The same can be said, to one degree or another, of the contemporaneous records of
9 the various interviews of Littlejohn, Moore, and Wilson. The contemporaneous
10 records include written statements, tape-recorded statements, and written
11 summaries of interviews, but they do not provide a complete record of what *the*
12 *investigators* said to the witnesses in the course of these interviews.

13 At the time of the Silk Plant Forest investigation the Winston-Salem Police
14 Department had adopted a relatively brief and non-specific policy on the "Receipt,
15 Verification, and Preservation of Statements" (General Order 4.13). This policy
16 stated that "[a]ll interviews will be conducted in a manner consistent with the
17 constitutional rights of the individual," and it stated that "it is usually desirable to
18 obtain recorded statements from victims, key witnesses, and suspects." The policy
19 described procedures to be followed in obtaining written recorded statements,
20 taped recorded statements, and oral statements; it provided for the verification of
21 written and taped statements; and it provided for the preservation of all recorded
22 statements.

23 There were significant omissions in General Order 4.13. It appeared to cover
24 only statements made by victims, key witnesses, and suspects. It did not attempt to
25 provide generally for the recordation of statements made by the investigators
26 themselves in the course of investigatory interviews. Furthermore, on its face, it
27 did not actually require investigators to obtain any sort of recorded statement from
28 victims, witnesses, or suspects, although, as noted, it stated that recorded
29 statements were "usually desirable." Finally, except for the general admonition
30 about the constitutional rights of the individual, the policy had nothing to say about
31 the kinds of interview techniques the investigators were entitled to use. Were they
32 entitled to use trickery or deception? Could they properly threaten imprisonment
33 or prosecution? Could they promise leniency in return for cooperation? Was it

1 proper for them to coach the witness or to suggest what the substance or content of
2 a witness' statement ought to be?

3 General Order 4.13, as it existed at the time of the Silk Plant Forest
4 investigation, was so non-specific, and the contemporaneous record of the various
5 interviews is so limited, that it is difficult to say whether the investigators in this
6 case violated departmental policy or not. What can be said is that the corrosive
7 dispute in this case over improper questioning and coerced testimony probably
8 could have been avoided or ameliorated if the investigators had simply taped or
9 electronically recorded the full extent of all of the relevant interviews. If that had
10 happened, we would now know whether Valerie Williams was threatened with
11 prosecution or whether Pamela Moore and Eugene Littlejohn were told what to say
12 when they gave statements to the investigators. "Sunshine is the best disinfectant,"
13 as Justice Brandeis once opined. A policy requiring investigators to record
14 electronically, when reasonably feasible, the full extent of all relevant interviews
15 would protect the investigators themselves against false claims of coercion, it
16 would protect witnesses and suspects from improper interviewing techniques, and
17 it would protect the integrity of the criminal justice system as a whole.

18 Fortunately, in recent years, the Winston-Salem Police Department has
19 adopted policies that move very far in this direction. For example, in 2007 the
20 Department adopted a policy concerning "Video Recorded Interviews" that
21 appears to *mandate* the use of video recording in a broad category of serious
22 criminal cases. (Standard Operating Procedure 1.27 of the Criminal Investigations
23 Division) This policy applies to interviews of "victims, witnesses, and suspects."
24 It contemplates that the video recording will occur in interview rooms at police
25 headquarters. It provides specifically that the recording equipment must be
26 activated at the beginning of an interview and that it must remain activated,
27 without interruption, throughout the interview process. The policy partially
28 addresses the question of proper interviewing technique. For example, it provides
29 that "detectives may engage in deceptive methods and/or make false statements,
30 however, such methods or statements shall not be employed to the extent that
31 based on the circumstances, they are likely to obtain an untrue confession or
32 otherwise elicit an involuntary statement." The video recording policy is not
33 intended to preclude field interviews or to prevent detectives from acting when
34 spontaneous utterances or statements are made, but it provides, or appears to

1 provide, that if a video recording cannot be made, “a digital audio recording shall
2 be conducted in accordance with SOP 1.28.” (“SOP 1.28” is a recently adopted
3 Standard Operating Procedure dealing with digital audio recordings.) In other
4 words, it now appears that it is departmental policy to require, when feasible, either
5 video or audio recording of investigatory interviews in serious criminal cases.

6 If this policy had been in effect, and had been followed, at the time of the Silk
7 Plant Forest investigation, much of the present controversy about interviews,
8 witness statements, and interviewing techniques would probably have been
9 avoided.

10 The Committee makes the following recommendations with respect to the
11 police department’s present policies:

- 12 • **SOP 1.27 (video recording) and SOP 1.28 (audio recording) should**
13 **be amended to make it clear that the purpose of these policies is to**
14 **create an electronic record of all statements made by the**
15 **interviewing detectives, as well as by the victims, witnesses, or**
16 **suspects who are being interviewed, in all cases defined in Section I**
17 **A of SOP 1.27, subject to the exception provided in Section II C of**
18 **SOP 1.27, which states that the recording policy “is not intended to**
19 **delay, interfere or prevent detectives from acting when spontaneous**
20 **utterances or statements are made.”**
21
- 22 • **SOP 1.28 (audio recording) should be amended to make it clear that**
23 **the audio recording equipment should be activated at the beginning**
24 **of the interview and should not be turned off until the interview**
25 **ends, as currently provided in the case of video recording under**
26 **SOP 1.27.**
27
- 28 • **SOP 1.27 (video recording) and SOP 1.28 (audio recording) should**
29 **be amended to clarify further the nature of the interviewing**
30 **techniques that are permissible and impermissible. The policies**
31 **should specifically address the following questions among others: Is**
32 **it permissible for a detective to promise, state, or lead an**
33 **interviewee to believe that the interviewee or some other person will**

1 **receive some benefit from the police, the District Attorney's Office,**
2 **or the court if the interviewee provides information, or certain**
3 **information, in the course of the interview or thereafter? Is it**
4 **permissible for a detective to state or lead an interviewee to believe**
5 **that the interviewee or some other person will be locked up or**
6 **prosecuted or harmed in some other way if the interviewee fails to**
7 **provide information, or certain information, in the course of the**
8 **interview or thereafter? Is it permissible for a detective to suggest**
9 **what the specific content of an interviewee's statement should be?**

Handout 33

1 THE COURT:- My understanding from you is that
2 there is not one. You had not ordered one; the State does
3 not have one. So we'll proceed in the absence of such.
4 MERRITT DRAYTON, being first duly sworn, testified as follows
5 during VOIR DIRE EXAMINATION by MR. YEATTS:-

6 MR. YEATTS:- May I proceed, Your Honor?

7 Q. You are Merritt Drayton?

8 A. Yes, sir.

9 Q. And where do you live, Mr. Drayton, as of now?

10 A. 1300 Western Boulevard, Central Prison, maximum security.

11 Q. And are you serving a prison sentence there, sir?

12 A. Yes, sir.

13 Q. And what is that for?

14 A. Two counts of murder, one count of manslaughter; double
15 life and ten.

16 Q. All right, sir, and is one of those murder convictions in
17 regard to a gentleman by the name of Arthur Wilson?

18 A. Yes, sir.

19 Q. Were you present when that homicide occurred?

20 A. Yes, sir.

21 Q. And was there a robbery of that gentleman, that is, was
22 property taken from his person?

23 A. Yes, sir.

24 Q. And do you recall when that was?

25 A. September '83.

Drayton - Voir Dire

- 1 Q. September of '83. Now, on that occasion, the victim
2 being Arthur Wilson, did that robbery and murder occur
3 outside of a building on the street?
- 4 A. On a street.
- 5 Q. Do you know what street that was?
- 6 A. Claremont.
- 7 Q. Claremont. About what time of day or night did that
8 homicide and robbery occur?
- 9 A. It was at night.
- 10 Q. Do you recall was it in the morning hours or ---
- 11 A. Somewhere between 11:30, 12:00, 1:00 o'clock.
- 12 Q. Somewhere between 11:30 and 1:00 ---
- 13 A. Yes, sir.
- 14 Q. --- is that approximately when it was? All right, sir.
15 Now, do you recall what the weapon was that was used to kill
16 Mr. Arthur Wilson?
- 17 A. Yes, axe handle.
- 18 Q. And was there more than one axe handle? Just one axe
19 handle?
- 20 A. Just one axe handle.
- 21 Q. And do you know who carried that axe handle to the scene
22 out on the street there on Claremont?
- 23 A. Yes.
- 24 Q. Who carried it?
- 25 A. Mitchell. Sammy.

1 Q. Sammy Mitchell?
2 A. Yes, sir.
3 Q. All right, sir, and who accompanied Mr. Sammy Mitchell
4 out on the street with that axe handle?
5 A. Myself, Darryl Hunt.
6 Q. Anyone else?
7 A. Mattie Mae.
8 Q. Okay. And Mr. Arthur Wilson, how old was he?
9 A. Maybe in his forties. I can't ---
10 Q. And what was his condition that night, that is, was he a
11 sober, strong, alert man or was he intoxicated, old, feeble,
12 or what?
13 A. Intoxicated.
14 Q. To what extent, just slightly intoxicated, very
15 intoxicated, medium, or what?
16 A. Probably very intoxicated.
17 Q. Very intoxicated. Was he of such physical condition at
18 that time on the streets that night that he could have fought
19 one individual alone and successfully whipped them?
20 MR. FERGUSON:- OBJECTION.
21 THE COURT:- SUSTAINED.
22 Q. All right, don't answer that. What was his physical
23 condition as far as being able to protect himself?
24 MR. FERGUSON:- OBJECTION.
25 THE COURT:- OVERRULED, if he knows.

- 1 Q. You may answer.
- 2 A. No, he wouldn't be able to fight one person.
- 3 Q. All right, sir. Now, who participated in robbing Mr.
- 4 Arthur Wilson?
- 5 A. Myself, Sammy Mitchell, Darryl Hunt.
- 6 Q. Who participated in killing Mr. Arthur Wilson?
- 7 A. Myself, Darryl Hunt, Sammy Mitchell.
- 8 Q. Who first got a hold of Mr. Arthur Wilson?
- 9 A. Sammy.
- 10 Q. And would you describe how he got a hold of him?
- 11 A. Just something sort of clothesline type move.
- 12 Q. And when you say clothesline type maneuver, are you
- 13 talking about putting your arm or hand around somebody?
- 14 A. Using -- use the part of your arm in here as clothesline,
- 15 taking it around.
- 16 Q. Putting it around their neck and bringing them down?
- 17 A. Yes, sir.
- 18 Q. All right, and Sammy Mitchell did that?
- 19 A. Yes, sir.
- 20 Q. Okay. What happened after he did that?
- 21 A. Just beat and kicked him and robbed him and stuff.
- 22 Q. Who administered the beating with the axe handle, if
- 23 anybody?
- 24 A. Sammy.
- 25 Q. Who kicked Mr. Arthur Wilson, if anybody?

- 1 A. Myself and Darryl.
- 2 Q. Okay. Anybody else use the axe handle other than Sammy?
- 3 A. Yes, I did. And later on at the last part of it.
- 4 Q. And was there more than one blow administered to Mr.
- 5 Arthur Wilson by Sammy Mitchell?
- 6 A. Yes.
- 7 Q. How many blows approximately?
- 8 A. Several. I couldn't give you a direct number.
- 9 Q. More than ten?
- 10 A. I can't give you a quite number.
- 11 Q. Do you know how many blows you administered to him?
- 12 A. No.
- 13 Q. More than three?
- 14 A. Several.
- 15 Q. All right, sir. Approximately how many times was he
- 16 kicked by you?
- 17 A. A lot.
- 18 Q. And approximately how many times was he kicked by Mr.
- 19 Darryl Hunt?
- 20 A. Several.
- 21 Q. Who took whatever property he had from him?
- 22 A. All three of us.
- 23 Q. Okay. What property did you take from the deceased, Mr.
- 24 Arthur Wilson?
- 25 A. Money.

- 1 Q. And where was that money located?
- 2 A. His front and back pocket.
- 3 Q. Did you personally take any of that property yourself
- 4 from the person?
- 5 A. Out of his pocket, yes.
- 6 Q. Would you state whether or not Mr. Darryl Hunt took any
- 7 of that property from his person?
- 8 A. At that time, yes, because it was his -- exchange was
- 9 made at the time.
- 10 Q. All right, sir. Now, after these events took place, did
- 11 you all go in the same direction?
- 12 A. Started the same direction but broke up.
- 13 Q. And what distance were you from the deceased when you
- 14 broke up approximately?
- 15 A. Running away I guess ten or fifteen feet. Ten or fifteen
- 16 feet when we started running.
- 17 Q. All right, sir. And when you say you broke up, that is,
- 18 explain what you mean by that.
- 19 A. Running in different directions.
- 20 Q. Did you meet up later somewhere?
- 21 A. Yes.
- 22 Q. And what did you do when you met up later?
- 23 A. Just exchange of money.
- 24 Q. All right. Any statements made about saying anything to
- 25 law enforcement about this matter?

1 A. Yeah, I wasn't to open my mouth about it.

2 Q. All right. Are you familiar with Sammy Mitchell and

3 Darryl Hunt?

4 A. Yes.

5 Q. Have you seen them together on other occasions?

6 A. They're running partners.

7 Q. And when you say running partners, would you explain to

8 the Court what you mean by that?

9 MR. FERGUSON:- OBJECTION, if Your Honor please.

10 THE COURT:- SUSTAINED.

11 Q. How many times have you seen them together before?

12 A. A lot.

13 Q. Are you familiar with the habit that they have in regard

14 to rolling or robbing individuals?

15 MR. FERGUSON:- OBJECTION.

16 THE COURT:- SUSTAINED.

17 Q. Would you state whether or not you have heard Mr. Darryl

18 Hunt make statements in regard to other individuals?

19 MR. FERGUSON:- OBJECTION.

20 THE COURT:- SUSTAINED.

21 Q. State whether or not you have heard Darryl Hunt and Sammy

22 Mitchell make statements in your presence in regard to

23 robbing other people.

24 MR. FERGUSON:- OBJECTION.

25 THE COURT:- SUSTAINED.

1 Q. Would you state whether or not you've heard any statement
2 from Sammy Mitchell in regard to robbing other individuals or
3 rolling them?

4 MR. FERGUSON:- OBJECTION.

5 THE COURT:- SUSTAINED.

6 Q. Do you have any personal knowledge of any other
7 participation in other robberies?

8 MR. FERGUSON:- OBJECT.

9 THE COURT:- Does he have any personal knowledge of
10 any other participation in any other robberies, is that your
11 question?

12 MR. YEATTS:- Yes, sir.

13 THE COURT:- How is that relevant?

14 MR. YEATTS:- Your Honor, if he has personal
15 knowledge that Darryl Hunt and Sammy Mitchell robbed ---

16 THE COURT:- You didn't ask him that.

17 MR. YEATTS:- Excuse me.

18 Q. Do you have any knowledge of Mr. Darryl Hunt and Sammy
19 Mitchell participating -- personal knowledge -- participating
20 in other robberies?

21 A. I can't say robbery but fights, something like that, you
22 know, other people.

23 MR. YEATTS:- I have no further questions at this
24 time.

25 THE COURT:- Cross Examination.

1 VOIR DIRE EXAMINATION- By MR. FERGUSON:-

2 Q. Do I understand that the only time you claim to have been
3 involved in something with Sammy and Darryl was with the
4 Arthur Wilson matter?

5 A. Yes.

6 Q. You yourself have been involved in some other murders,
7 haven't you?

8 A. Yes.

9 Q. You took a piece of rope and strangled a lady to death
10 one time, didn't you?

11 MR. YEATTS:- OBJECTION to the phrasing of the
12 question.

13 THE COURT:- OVERRULED.

14 Q. Didn't you?

15 A. No.

16 Q. You testified ---

17 A. I wasn't -- I wasn't convicted of putting the rope myself
18 and strangling her.

19 Q. You testified under oath at one time that you
20 participated in a murder where a lady had a rope put around
21 her neck and she was strangled, isn't that right?

22 A. Yes.

23 Q. And that didn't have anything to do with Sammy Mitchell
24 and it didn't have anything to do with Darryl Hunt, did it?

25 A. No.

1 Q. And in that murder on one occasion you claimed that the
2 participants were one group of people, isn't that right?

3 A. Yes.

4 Q. And then on another occasion you claimed that the
5 participants were a completely different group of people,
6 didn't you?

7 A. Yes.

8 Q. And then you participated in another murder, didn't you,
9 of -- you knocked somebody down. You knocked your girlfriend
10 down the steps and killed her, didn't you?

11 A. No, sorry about that, you're wrong.

12 Q. You were convicted of that, weren't you?

13 A. No, she wasn't my girlfriend. I wasn't convicted of
14 killing my girlfriend.

15 Q. You were convicted of killing a lady named Mary Smith,
16 weren't you?

17 A. Yeah, she wasn't my girlfriend.

18 Q. All right. Well, you were convicted of knocking some
19 stranger down the steps and killing her, is that it?

20 A. Yes, I plead to manslaughter. Involuntary manslaughter.

21 Q. And in that murder, Darryl Hunt and Sammy Mitchell were
22 in no way involved, isn't that right?

23 A. No.

24 Q. Now, back to the Arthur Wilson homicide. You claimed
25 before that Arthur Wilson was in the drink house buying

1 people drinks, didn't you?

2 A. Yes.

3 Q. And you testified that Sammy Mitchell wanted him to buy
4 him a drink.

5 A. I did.

6 Q. And that Arthur Wilson refused to buy him a drink, didn't
7 he?

8 A. Yes, sir.

9 Q. And that after he refused to buy him a drink, Sammy
10 Mitchell appeared to be upset with him because he wouldn't
11 buy him a drink.

12 A. Yes, sir.

13 Q. And appeared that he had bought everybody else in the
14 house a drink.

15 A. Yes, sir.

16 Q. And Sammy Mitchell decided he'd get even with him because
17 he didn't buy him a drink, isn't that right?

18 A. I didn't never say get even.

19 Q. Well, you said after he refused to buy him a drink, you
20 said that Sammy Mitchell said something about we'll get him
21 later or we'll take care of him, something like that, isn't
22 that right?

23 A. He was mad but it was never said get even.

24 Q. All right. In other words, Sammy Mitchell decided to do
25 something to him because he was mad, isn't that right?

1 A. I would say so, yeah.

2 Q. Okay. And then I think you said also that Arthur Wilson
3 had been in the house flashing money -- in the drink house
4 flashing money.

5 A. Yes.

6 Q. So that everybody in the drink house knew that he had a
7 large sum of money because he was bragging about it, isn't
8 that right?

9 A. Yes.

10 Q. And you claimed at that trial that -- that you didn't
11 have any discussion with Darryl Hunt, isn't that what you
12 said?

13 A. No, I can't remember that.

14 Q. All right, in any event, after the drinks -- after the
15 drinks were refused to Sammy Mitchell by Arthur Wilson, you
16 say that you and Darryl and Arthur (sic) followed him
17 outside, isn't that what you testified to?

18 A. No.

19 Q. You and Sammy, I'm sorry, and Darryl followed Arthur
20 Wilson out of that house after he refused to buy the drink,
21 isn't that what you say?

22 A. No, I said lady named Mattie Mae and Wilson went out of
23 the house. I didn't say all of us went together.

24 Q. All right, but you and Mattie Mae and Wilson, you said,
25 went out of the house.

1 A. Yes, sir.

2 Q. And there was no plan, according to what you said, to
3 kill Arthur Wilson, was it?

4 A. No, no plan to kill him.

5 Q. Okay. And then you claim that after Arthur Wilson went
6 down the street that all three of you jumped on him.

7 A. Yes.

8 Q. And ---

9 MR. FERGUSON:- Your Honor, I believe these are all
10 the questions we'd have for this purpose at this time.

11 MR. YEATTS:- Your Honor, I have a couple more, if
12 I may.

13 VOIR DIRE EXAMINATION- By MR. YEATTS:-

14 Q. Mr. Drayton, was there a plan to rob Arthur Wilson?

15 A. Yes.

16 MR. FERGUSON:- OBJECT and MOVE TO STRIKE.

17 THE COURT:- OVERRULED.

18 Q. Mr. Drayton, why did you wait until he got outside of the
19 house on Claremont Street?

20 MR. FERGUSON:- OBJECT.

21 THE COURT:- OVERRULED.

22 A. Because the house was crowded. It's a drink house. Lot
23 of people was in that area so there's no way you could just
24 jump on somebody and beat them down and do anything to them.

25 MR. YEATTS:- I have no further questions.

1 THE COURT:- ReCross.

2 MR. FERGUSON:- I don't have any other ---

3 VOIR DIRE EXAMINATION- By MR. FERGUSON:-

4 Q. Well, you recall testifying at the earlier trial that you
5 didn't really know why they wanted Arthur Wilson to go
6 outside? Do you remember testifying about that?

7 A. Things were so old now. I don't think -- even try to
8 keep up with the event.

9 Q. So you just don't remember what you said about that, is
10 that right?

11 A. Vaguely.

12 Q. Only vaguely?

13 A. (Nodding head affirmatively.)

14 MR. FERGUSON:- All right. I don't have any
15 further questions.

16 THE COURT:- All right, sir, you may stand down at
17 this time, Mr. Witness.

18 (Witness left stand.)

19 THE COURT:- All right, call the jury in, sir.

20 (Jury present.)

21 THE COURT:- Members of the jury, the Court will
22 now take the lunch recess. Follow the instructions you've
23 received heretofore. You may be excused until 2:00 o'clock.
24 Return by that time to your present seats. Escort the
25 jurors, sir.

Handout 34

March 9, 1993

I make the following statement voluntarily:

1. Between 1987 and 1992, I was incarcerated at Central Prison in Wakefield. Johnny Gray was on the same block with me at Central. I had known Johnny Gray in Winston Salem but not very well.

2. At Central, Johnny Gray and I discussed the Sykes murder in Winston Salem. Gray told me that Ornyl Hunt and Sammy Mitchell had nothing to do with that murder. He told me that he had testified against Ornyl Hunt in order to get some favorable consideration in sentencing in cases that he, Gray, had been charged with.

3. When we heard that Hunt was to be tried again, Gray told me that he would not testify again.

4. Before the second Hunt trial, the guards at Central came and told me to dress for trial. They told me I was to testify at the Hunt trial in Wakefield. Before going, Gray told me "to do the right thing." By that, Gray told me that I should testify against Hunt as well to get some consideration in my own case.

000131

5. GRAY told me that I should testify that I had been with Gray the day of the SYKES' murder. Gray told me to say that I had gone with Gray to the CLEANERS and that on the way, we, me and Gray, had seen SYKES' murder. Gray told me to say that we had then run to a phone to call the authorities.

6. I NEVER mentioned to Gray that I ~~had~~ had BEEN in jail in Yorkville where SYKES ~~was~~ was killed.

7. At Hunt's trial, I was held in the Catawba County jail. Gray was there too. Gray passed me 4 letters through the trustee there. The three letters I received from Gray again told me that I should testify against Gray and to say that I had been with Gray.

8. The fourth letter from Gray was intercepted by detective Theresa Hicks. I knew Hicks from the Wilson case that I was involved with. Hicks took the letter from the trustee. I was walking behind Hicks as she opened the letter from Gray. This was when I was on my way into the courtroom to testify.

9. BAK at Central, Gary Shield many from discussing this Hunt case. HE would say that since the second trial was over, he wouldn't have to testify again.

It seemed that Gary anticipated some early release and told me that he would get an early release for testifying against Hunt.

10. Before I went to testify, I talked to a Mr. Akery, an investigator for Central Prison. I told Mr. Akery that he should listen in on my conversations with Gary so that he could hear that Gary was giving false testimony against Hunt. Mr. Akery told me he couldn't do that. I'm not sure how to spell Akery's name but it sounds like "Ache-ry".

Sherrill Williams
Sherrill Williams

Sworn and subscribed before me
this 8th day of March, 1995

Brenda L. Jellery
notary public

March 30 1997

Handout 35

WINSTON-SALEM POLICE DEPARTMENT

VIA MEMORANDUM

To: Captain G. G. Cornatzer	Date: 12 February 1986
From: Sergeant M. V. McCoy	Distribution:
VIA: Lieutenant L. A. Stoakley	Investigating detectives J. K. Dorn
Subject: Unsolved Homicide Report	

On 02-11-86 I reviewed all unsolved homicides with investigative personnel. Investigative personnel gave a brief summary of the crime and statement as to actions which have been taken, as well as plans for future investigative action.

Attached is a Report of Unsolved Homicide for each of the following homicides:

- Odell Jack Grier - Date of Homicide: 06-06-80, CR#028888;
- Sherby Denise Wright - Date of Homicide: 10-18-80, CR#058273;
- ① -Arthur Wilson - Date of Homicide: 09-17-83, CR#358533;
- Terry Maurice Jefferson - Date of Homicide: 02-09-84, CR#407649;
- Charlene Witherspoon - Date of Homicide: 04-12-84, CR#420982;
- Eddie Albert Sims, Jr. - Date of Homicide: 04-05-85, CR#521862;
- Bobby Ray Fansler - Date of Homicide: 06-05-85, CR#537395;
- Patricia Bishoff - Date of Homicide: 08-05-85, CR#552792;
- ② -Blanche Ragins Bryson - Date of Homicide: 12-10-85, CR#584545.

I am continuing to coordinate and advise detective personnel in the investigation of these unsolved homicides. Every effort is being made to ensure that each and every case assigned to the Crimes Against Persons Section, specifically the unsolved homicides, are given the utmost attention.

REPORT OF UNSOLVED HOMICIDE

Complaint Report #: 358533

Victim: Arthur Wilson

Date: 09-17-83

Location: 1700 N. Claremont Avenue

Detective Assigned: J. K. Dorn

Summary:

Witnesses reportedly saw three black male subjects beating and robbing the victim, black male. No one was ever identified by the witnesses. No suspects.

Investigative Efforts:

- #1 - Detective Dorn has reviewed this case with Identification Personnel and a crime scene schematic can be completed upon request.
- #2 - Detective Dorn interviewed the victim's sister, who stated that a third party told her that they had heard someone bragging at a drink house about killing Mr. Wilson unintentionally and then doing the robbery. The sister stated that the name of the subject who allegedly killed Mr. Wilson unintentionally and was bragging about same was Sammy Mitchell.
- #3 - Through informants, Det. Dorn has developed approximately two new potential witnesses.

Points To Be Covered:

- #1 - Interview Ronald Lee McGee, 4005 Burnham Court.
- #2 - Interview Linda Aleen Walser, 5169 Sunrise Terrace.
- #3 - Conduct neighborhood canvass.
- #4 - Analyze evidence in Property Control.
- #5 - Review photos of case.
- #6 - Interview Ezell M. Glowers, 1816 Claremont Avenue.
- #7 - Review background on deceased.
- #8 - Interview Mr. Wilson's son.
- #9 - Contact Lt. Raker, who supposedly has information on a female in prison who may have some additional information in reference to this case.

Handout 36

2ND Trial Mitchel

* OVERTIME *

* COURT TIME *

2 HRS.

OCT 13 -

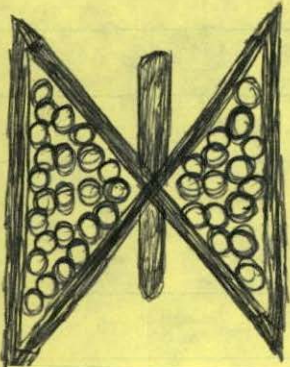
07:00 - 09:00

OCT 13 09:00 - 18:00 = 9 HRS

2 HRS.

OCT 14 -

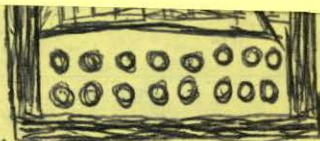
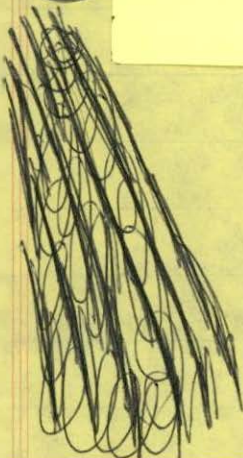
07:00 - 09:00



10-17-86
↑

Arthur Wilson

Mitchell II



TRIAL TESTIMONY STARTED

10-14-86 Time: 14:35 Hours

"SPILL MAN"
WEAVER

"SCOREBOARD"

* STATES WITNESS *

O.K. 1. McCool = Set at scene, obtain info, obtain evidence

O.K. 2. WILKINS = Assigned case - Autopsy

TRUBLE* 3. BILL CLOWERS = ~~BASTARD~~ - Seen Sammy at house, seen stick

✓ O.K. 4. JOHN CLOWERS = Seen stick, heard argument, seen Sammy with the stick.

O.K. 5. MILTON PEOPLES = Seen stick = seen Sammy = heard argument
Rund House = sold drinks = tried to confuse by defense.

O.K. 6. BARBARA BASON = at drink house, knew Wilson, seen Sammy, seen stick, seen Wilson hit,

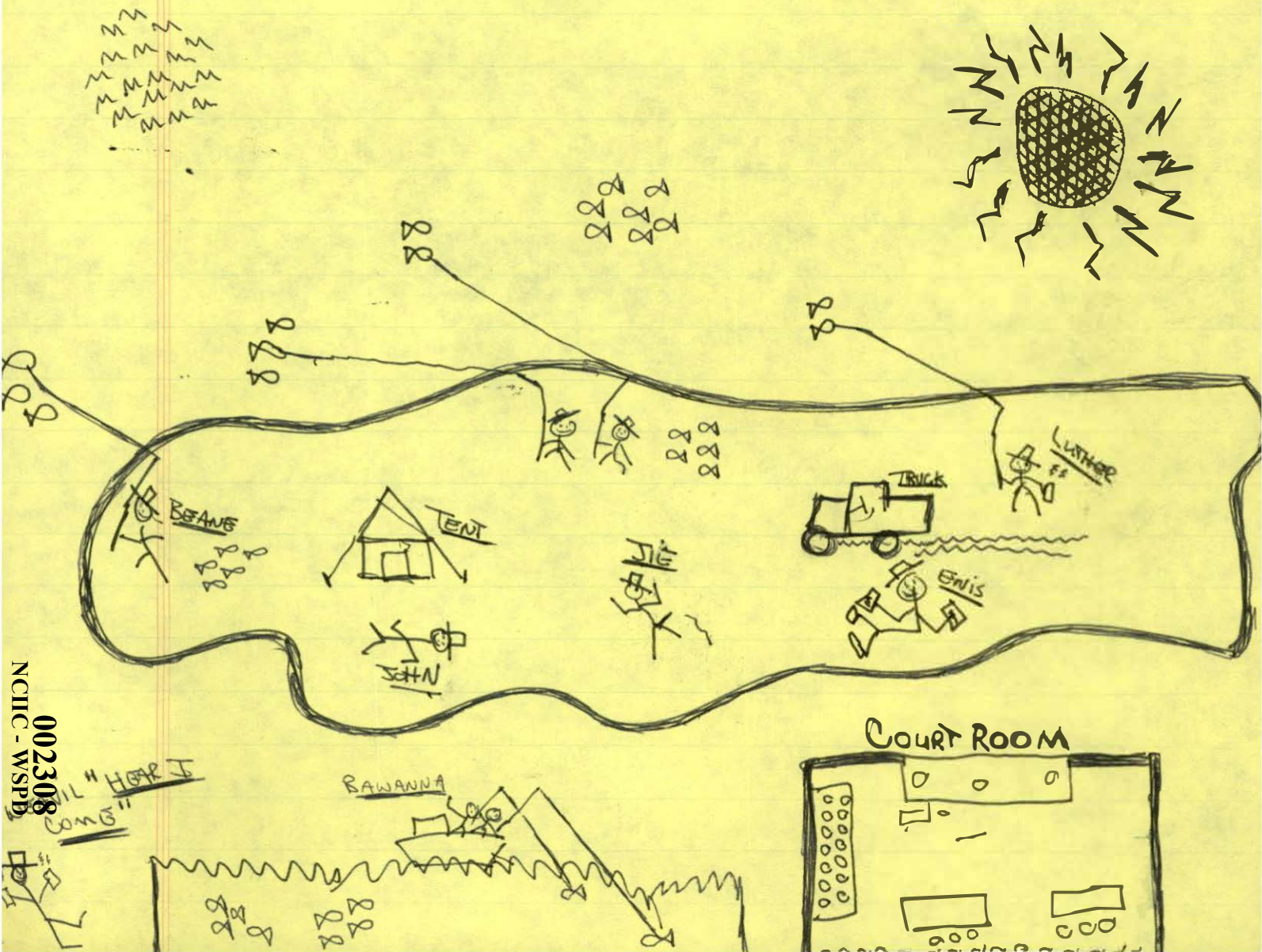
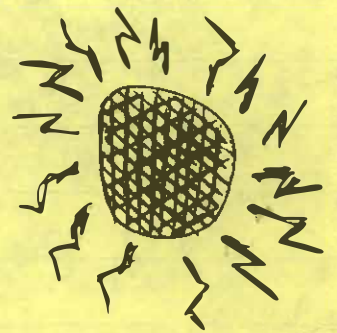
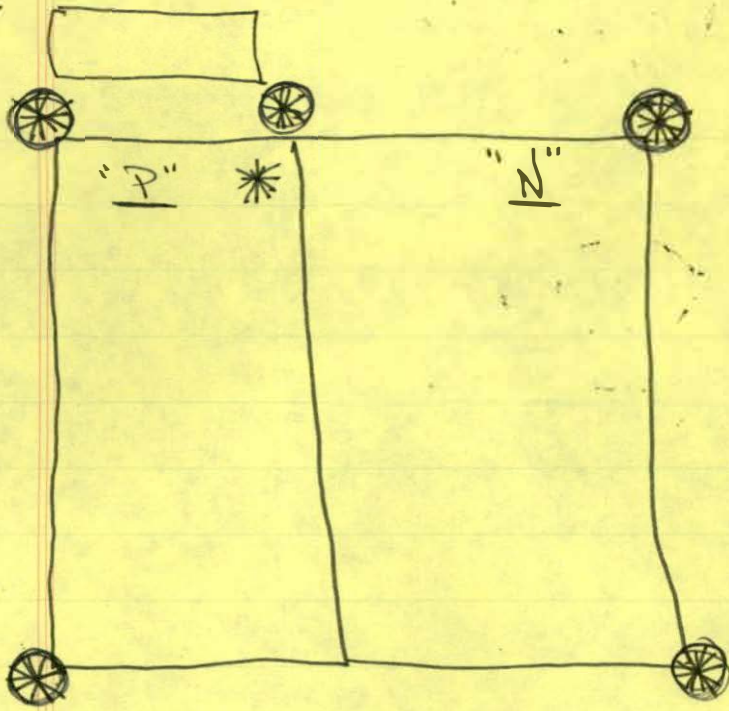
O.K. 7. PATRICIA WILLIAMS = at Drink House, knew Sammy, knew Wilson
Heard statement, seen beating, in street,

NEED MATTIE MAE
O.K. 8. MATTIE MAE DAVIS = at drink house knew Sammy, knew Wilson
seen beating

O.K. 9. DETECTIVE HICKS = PHOTOGRAPHS, EVIDENCE, CASE OFFICER

O.K. 10. SPECIAL AGENT = BENDURANT, FIBERS FROM PAIRS TO STICK

O.K. 11. DOCTOR McCool = Autopsy



002308
NCIC - WSPD

* FOR DEFENCE → *

1. JAMES FORD

2. BELTON

3. WILKINS

4. MCGEE

5. SMITH OR CLARK, BLACK FEMALE - SEEN MATTIE MAE ON JULY 6TH
SAID MATTIE'S NEPHEW WAS IN TROUBLE
ABOUT ART WILSON.

6. LINDA WALSER - KNOWS MITCHEL,



"REBUTAL EVIDENCE FOR THE STATE"

1. WEAVER

2. MELONIE LEWIS

"CLOSING STATEMENTS"

1. BOWLES

2. BEDSWORTH

3. WALKER

4. BOWLES

5. TISDALE

- * Time Body was in Street
- * Bason not to say that she saw them run away
- * NOT - SAW ASSAULT AND WENT INSIDE & DID NOT SEE ANYONE RUN AWAY.

* NOTE: DID ANYONE SEE THE CAR

* Pat Williams = observed assault but did not see suspects run away. What about car?

* Mattie Mae = saw assault and walked down street I did not see exactly what went on after I left Drayton. What about car?

Sentencing hearing

Sammy Record

Mrs. Mitchell

Mr. Gregg. - Sammy Preacher

Harry Thompson - F.C.S.D. for Sammy Model prisoner

* Sentence - 50 years

Handout 37

1 Q. Okay. Are there any specific mistakes that you
2 have in mind as it relates to --

3 A. No, I don't.

4 Q. -- supervising this case?

5 A. No, I don't. I just --

6 Q. Okay.

7 A. -- know that every -- everybody makes -- well, you
8 know, not with McCoy, no.

9 Q. Okay.

10 A. But other supervisors I do.

11 Q. As it relates to this particular case?

12 A. Well, yes, sir.

13 Q. Can you tell me about that?

14 A. Sure. We were directed sometimes to go out and
15 take statements from people we've already taken statements
16 from. And it -- it got to the point that -- you were
17 wanting -- I think the people wanted you to believe what I'm
18 saying, you know, I told you this. But it got to the point
19 where you -- when you were in a courtroom and even through
20 all the hearings and deposition -- not deposition, but voir
21 dire hearings and this and that that -- that people would
22 testify and they'd say, well, somebody went out the back
23 door. And the next time they'd say, well, he went out the
24 front door. Well, then you have a good defense attorney
25 who's saying, well, you don't know what door he went out,

1 you know. And then they're hammering these people over what
2 door he went out, not what they saw at the crime scene,
3 which was important.

4 And I had a district attorney and nicknames for
5 people -- Rowdy Yates. I don't know if you know who -- he
6 was from Surry County. I think --

7 Q. He was on the Sykes' case?

8 A. Yes, sir.

9 Q. Yeah.

10 A. He was. And he was talking to me about this. And
11 he said, One of the biggest problems with the Wilson case is
12 all of this little stuff that the police department can't do
13 it, and then you get into all these other things. And
14 that's where -- that's where these individuals are -- get
15 hammered is -- is because they take the little stuff and
16 make it something big instead of what happened. And -- and
17 I agree with that wholeheartedly, you know.

18 Q. And it -- it sounds like that decision to go out
19 and get multiple statements was coming from someone higher
20 up?

21 A. Yes, sir. Someone higher up.

22 Q. Okay. Okay. Do you know who made that --

23 A. I think it was Captain Gomez (phonetic).

24 Q. Gomez, okay.

25

Handout 38

April 10, 2019 – Arthur Wilson, Part I

Page #	Description	Exhibit
1	Interview of MW on April 10, 2019 by Brian Ziegler (BTZ), Catherine Matoian (CLM), and Beth Tanner (DET). Julie Boyer, counsel for MW, was also present.	
2	Exhibit list.	
3--7	<p>BTZ explains to MW that the interview will take place over two days, and that the current interview will focus on one of the cases he's applied to the Commission on. MW talks about where he's from and a prior case he was convicted of that he stated he was innocent of committing involving burning down a house.</p> <p>MW states he's been diagnosed as having paranoid schizophrenia, and that he is on medication and receives counseling.</p>	
8-10	Discussed previous relationship with a woman named Yvette Johnson whom he dated prior to Mattie Mae Davis.	
11-12	BTZ tells MW that the Commission has reviewed a lot of his records, including his phone call records. Suzanne is MW's current fiancé. BTZ and MW discuss phone calls between MW and Suzanne.	
13-16	MW states he knew Smith through Mattie Mae Davis' brother in law, Willie Little. States that they were having a party when Smith came outside "bugging" him, and that she pushed him, and he then shoved her and she fell down a set of stairs and hit her head. Does not know when he first talked to police about this case.	
17-21	Did not know Arthur Wilson. Found out about his death from the newspaper, and stated, "there were little things that I could pick up from it and I'd use it. But when they questioned me and some of the things that I had heard, I used it. And then they started trying to make a case of it" (p. 20, lines 18-21). MW said people talked about how Wilson was robbed and beaten, and that he used information from the articles in the newspaper to fill in the rest of his story to the police.	
22-23	Wasn't at Ezell's drink house the night Wilson died, but stated he would go there with Mattie Mae two times a week. MW had seen Mitchell and Hunt there before.	
24-35	BTZ shows MW a map (Exhibit 42) and asks him to use a pen to indicate where buildings and streets were in the area of the drink house the night Wilson's body was found. The map with MW's markings is introduced as Exhibit 43 .	Exhibit 42- Map Exhibit 43 – Map with Mr. Williams' marks

36-39	MW states he knew Mitchell from the neighborhood, and that “[w]hen he’d get drunk, he loved to fight a lot” (p. 36, lines 13-14). Did not see him the night Wilson was killed. MW also knew Hunt, but did not meet him until after Wilson was killed.	
40	Was previously a confidential informant in the ‘80’s and stated he didn’t get anything out of it.	
41-42	Went by the nickname “Junior”. Clarifies that he had not been a confidential informant for WSPD, but another agency.	
43-51	MW says he spoke to police about the Wilson case at least three to four times, and that this happened after Smith died. Did not intend to kill Smith. The first time he spoke to police, they were in an unmarked car getting food and MW was in the car with them talking about the Smith case. Police questioned him about the Sykes case as well and said to MW, “you got to know something or you better know something more than that. And that’s when [MW] implicated Darryl and Sammy into the Wilson case” (p. 49, lines 22-25). MW states the police put in their report that he took them to the drink house, but MW says he couldn’t have done this because the house wasn’t there.	
52-54	MW says he talked about the Wilson case to police when they asked him about Sykes because he didn’t know anything about it. He implicated Mitchell and Hunt because “they were the most hated people” (p. 52-53, lines 25-1), and they would get mad if people didn’t buy them drinks at the drink house: “They’d get mad and start talking junk, cursing. They might do pushing and shoving, but they never just jumped on anybody and beat them up” (p. 53-54, lines 24-1).	
54-57	MW says he implicated Mitchell, Hunt, and himself in the Wilson murder so that he could get out of being charged for Smith’s murder and didn’t think the police were going to do anything about Wilson’s murder. BTZ asks MW why he thought this would help him. MW states, “I tried for years to understand that, my logical thinking when that happened ain’t right. I couldn’t figure it out at all” (p. 56-57, lines 25-2).	
58-59	MW: “We went to the jailhouse and got questioned some more. They had things that they knew about him, they asked me about him. And so I just kept – the more I talked the deeper the hole got because the statements were – there were a lot of different statements. And they kept going, kept going until things started to fit into more of a complete story” (p. 58, lines 9-15). MW told	

	<p>police Wilson was hit with an ax handle because he had one at the house he lived in at the time, but says it wasn't his and it wasn't part of the murder. MW also says he didn't know Wilson had been hit in the head at the time.</p>	
60-61	<p>MW told police Mattie Mae's brother, Thomas Thompson, gave him the ax handle because he didn't like him.</p>	
62-65	<p>BTZ shows MW Exhibit 44 which is a report of an interview police conducted with MW on April 9, 1986. MW makes several statements to the police that are recorded in the report, including the following: "Drayton also said that he and his wife had been in the drink house and heard an argument between Mitchell and the victim" (p. 65, lines 7-9). MW says he never told police this. His "wife" is Mattie Mae.</p>	<p>Exhibit 44 – Police report of an interview with Merritt Williams on 4/9/1986</p>
66-83	<p>MW states Mattie Mae was brought to the jail while he was being interviewed and the police said their stories had to match. Mattie Mae agreed to go along with this "[b]ecause she thought I'd actually get out of it all together. This was kinda of – I just told her or had her believing that I would come out of it, and so she went along with me. We did the whole story together" (p. 68, lines 7-11). MW says police took him and Mattie Mae to the location of where the drink house had been and that they were in separate cars. MW says people came out of the drink house on that date and then went back inside while he was still sitting in the police car. This is when he gave the police two names of women who did not like Mitchell or Hunt: Barbara Bason (Bason) and Patricia Williams, although MW only knew Bason as "Big Titty Barb" and Williams by her last name only. Bason and Williams didn't like Mitchell or Hunt because they would "pester" them. MW said police took him out to the scene several times and always at night, and that he did not know exactly where Wilson's body was found.</p>	
84-87	<p>MW is shown Exhibit 45 which is a police report from April 11, 1986 which states that MW "pointed out a residence at 1720 Claremont Avenue. Drayton stated that the assault occurred in the street almost in front of 1720 Claremont Avenue" (p. 86, lines 5-8). MW says this never happened and that he never pointed this area out to police. Further, MW says, "They had me sign a bunch of statements. They'd recorrect some stuff in it and mark some stuff and had me sign it" (p. 87, lines 12-14). MW never read these statements before signing them.</p>	<p>Exhibit 45 – Police report from April 11, 1986</p>
88-91	<p>MW discusses being interviewed by police and never seeing a recorder. He believed at the time Wilson was</p>	

	beaten and stomped to death, but learned from Zerwick from an interview she conducted with MW in 2004 that this wasn't true.	
92	Mattie Mae believed that if she went along with the same story as MW that she would be able to get her kids back because they had been taken from her.	
93-95	BTZ shows MW Exhibit 45 again. MW says he knew nothing about a car that drove by, but police asked him what he did when a car came by and its head lights hit him. MW didn't know this until police brought this up, so MW told police that he, Mitchell, and Hunt "took off running" (p. 94, line 9). BTZ reads from the report which states that "[Drayton] ... Sammy Mitchell, and Darryl Hunt ran down 17 th Street. The people in the car were chasing them. They cut through the front yard of a house and went across 18 th Street and followed a path back to Ezelle's house on Claremont" (p. 94, lines 18-24). MW says he doesn't remember telling police that. "I told them we ran to a house and we went through it. But the house they talked about, there's no way to go to Ezelle house because that's going away from that. You couldn't come back to that because it was going in the opposite direction" (p. 95, lines 3-7).	Exhibit 45 – Police report from April 11, 1986
95-98	MW talks about being polygraphed, and how he told the police he hit Wilson on the hands and head with a stick. MW says police didn't make him any promises for implicating himself in Wilson's death, but, "... police said, Well, this could help you down the road if you just tell us what's going on, tell us the truth. And that's when I just went ... along with it" (p. 98, lines 10-13, 15).	
99-103	MW made up that Wilson was robbed after he heard someone say Wilson carried money. BTZ shows MW Exhibit 46 , an undated letter MW wrote to Detective Weavil and Sergeant McCoy about Mattie Mae taking police to a pawn shop to get Wilson's watch. MW admits he wrote this and that Mattie Mae didn't know about the watch because they didn't discuss that specifically when they were in the room together at the police station. MW says, "I suggested most of the things that I could think of that would help me, but none of it was ever true" (p. 102-103, lines 25-2). MW also requested police send him cigarettes in the letter, and he says that sometimes police would send him cigarettes, but he didn't know if this was a gift or not.	Exhibit 46 – Undated letter written by Merritt Williams to Detective Weasil (sic) and Sergeant McCoy
104-106	MW would sometimes reach out to the police to come talk to him in jail to recant what he had told them about Wilson's murder, but that no one would listen. He wrote	

	a letter to the Justice Department recanting, but states the letter “disappeared” (p. 105, line 21-22). MW never told Zerwick about this letter when she interviewed him in 2004, but MW says it appeared in one of her articles.	
107-116	BTZ asks MW if he remembered the first time he went to court for this case which was a preliminary hearing with Mitchell and Hunt. MW states he “consciously regretted [it]. I couldn’t turn it back. There was no turning around” (p. 107, lines 12-13). MW regretted implicating himself, Mitchell, and Hunt in a case they had nothing to do with, and that he couldn’t turn this around because the prosecutor “hated them – he hated those two more than anything. And he – he disliked me because when I started to try to come from up under it, it pissed him off just that more” (p. 108, lines 3-6). MW read a lot of articles that former District Attorney Donald Tisdale (Tisdale) wrote, including an article about how he kept a stick that Mitchell allegedly used in a prior case. “[Tisdale] had did articles and stuff. During the time all this was going on, people were going to him and asking him questions. He had just come in office. He got voted out. A new DA went into it. And somebody did an interview with him and he started talking about Sammy and Darryl, how it’s so hard to get them and he finally got them and all that stuff” (p. 110, lines 18-23). MW believes he read this article in the Winston-Salem Journal, which he was able to get while he was in prison.	
117-118	BTZ shows MW Exhibit 47 , a letter written by MW and dated May 5, 1986 where he states he must decide if he’s going to live or die. MW says he wrote this when he was really depressed.	Exhibit 47 – Letter Merritt Williams wrote Bates number 2501
119-121	MW doesn’t remember testifying in court on May 5, 1986, but BTZ tells him he did. MW says he believed he testified that he did commit the Wilson murder and doesn’t recall ever testifying under oath that he was not involved. MW changed lawyers because he was trying to get out of the Wilson murder and “[t]hey weren’t trying to hear it. And then I implicated myself in another murder and they decided it’s time to go” (p. 120, lines 20-22).	
122-123	MW decided to plead guilty in the Wilson case because there was nothing he could do, and one night after the plea, he was taken to the hospital: “I was in the cell and I had – reflecting on everything that went down and I had got depressed and I used a chemical. And they took me to the hospital and made me gag it up” (p. 122, lines 22-25). He tried to kill himself because he didn’t see a way out of this.	

124-125	BTZ asks MW if he was ever offered anything if he planted drugs on Alderman Vivian Burke, and MW says that he doesn't know anything about this. MW does recall telling someone that he "told a lie on two people who would be electrocuted for something they didn't do" (p. 124, lines 21-22). MW admits that he made several phone calls during this time period, but he doesn't remember who he called or what he was calling about.	
126-128	MW thought he sent letters during this period, but didn't remember what he wrote in the letters. BTZ shows MW Exhibit 48 , an affidavit signed by MW that someone typed up for him. The affidavit talks about why MW came forward in the Wilson case where he talks "about feeling pressured and being afraid" (p. 127, line 5). MW remembs writing another affidavit, but doesn't know what happened to it, and says he wrote it because he was "trying to help everybody get out from under what I told" (p. 128, lines 21-22).	Exhibit 48 – Affidavit Bates stamped 2739
129-133	Recalls testifying again as a State's witness, but doesn't recall what he testified to. MW states his testimony wasn't true.	
134-140	Knew Mitchell had been convicted of Wilson's murder and had spent years in prison, and knew that he wasn't guilty of murdering Wilson. MW was in camp with Mitchell twice and said that Mitchell "just gave up" (p. 135, lines 12-13). He apologized to Mitchell several times and told him he'd write a statement for him so he could get back into court, but Mitchell said no. MW never saw Hunt in prison, but did see him after he was acquitted on Wilson the second time in the Watauga County Jail.	
141-142	MW states he didn't know the people named in Zerwick's article that said they saw Wilson's murder, and hadn't heard their names until he read the articles.	
143	BTZ asked MW if he was present when Wilson was killed, if he got any of his money or belongings, and if he knew who killed Wilson. MW states no to those questions.	
144-146	DET asks MW if he knew Richard Wright, Chuck Simmons, or Donald Simmons, and MW sas no. MW states he dressed in jeans and a t-shirt or flannel shirt in the 80's. Said Mitchell and Hunt would dress casually when he saw them at the drink house.	
147-159	When MW would get depressed, he would try not to be around anyone. He was first diagnosed with depression when he was in jail for arson prior to the Smith case. MW says he used to drink daily and that he had a violent	Exhibit 49 – 3/17 police report from the Mary Smith case

	relationship with Mattie Mae, and that he's never been charged with a violent crime with someone he didn't know. DET shows MW Exhibit 49 , a police report regarding the Smith case. The police report states that MW told them he did not push Smith down the stairs. DET hands MW a highlighter to highlight the portions of the report that are not true based on his understanding of what happened. MW highlights the portions of the report that state Willie Little was arguing with Smith and that Smith took a step down and missed the next step and fell head first down the rest of the stairs. MW says only he and Smith were on the porch.	
159-163	DET shows MW Exhibit 50 , a report dated March 18, 1986. The report states that MW threw Smith off the porch. MW says that was incorrect and that he pushed her. "The only thing I did was try to get her out of the house and I got her to the steps and she started arguing with me and I just pushed her, not to try to kill her or anything" (p. 163, lines 9-11).	Exhibit 50 – 3/18 police report
164-166	At some point during the Wilson case, Mattie Mae speaks to Mitchell and MW says, "That's supposed to be when she went to try to get him to – to confess more or less to – and she had something recorded" (p. 164, lines 24-1). DET shows MW Exhibit 51 , the transcript of the recorded conversation between Mattie Mae and Mitchell where she told Mitchell she was pregnant. MW says Mattie Mae couldn't get pregnant at the time.	
167-168	MW states he believed Smith was an informant on the Deborah Sykes case. BTZ goes back to read part of Exhibit 48 to MW where he says in his affidavit that while Officer Spillman was questioning him about the Smith case, "he started asking me a lot of questions about the murder of Deborah Sykes. He told me that Mary Smith was working for the police on that murder investigation" (p. 168, lines 4-7). MW doesn't recall this, but says everything in his affidavit is true.	Exhibit 48 – Affidavit Bates stamped 2739
169-170	MW is asked about a car that pulled up to the house after Smith died with three people inside. MW states they weren't cops and they didn't know who he was, but asked him what happened to Smith. MW says this occurred on March 18 th , the day before he was arrested for her murder and the day after Smith died. Mattie Mae came out and told him not to answer their questions and they drove off. MW didn't know why Mattie Mae said this to him and they never talked about it.	
171-172	MW would see Mitchell and Hunt at night at Ezelle's drink house and sometimes at a club across the street	

	from where he lived. The club had a bouncer named Verde and the club is since now closed.	
173-178	MW states he goes by the last name Williams now and not Drayton. MW says he didn't know Mitchell to carry an "ax stick" with him, but that it might be the same thing that Tisdale spoke about in the Zerwick article he read: "he went on and on about how he, you know ... hated him and he was glad he got him off the street. And he talked about this one time he arrested him and got this stick away from him. But I've never seen him tote a weapon out there when I was around him" (p. 174, lines 15-19). MW talks about how he would read the Winston-Salem Chronicle.	
179-182	MW did not know Wilson and would not have recognized him at the drink house, and that he was not at the drink house when Wilson was killed. MW says he was with Yvette Johnson the night Wilson was killed because he was trying to go with Mattie Mae and Yvette at the same time.	
183	During this time period, MW was trying to be with Yvette. MW was with Yvette before he met Mattie Mae. He would be with one today and then the other one. Yvette hated Mattie Mae. Yvette had a baby boy that might have been MW's. MW would see the baby and Mattie Mae did not like that.	
184	MW never told Yvette he killed someone in South Carolina. MW never got violent until he moved.	
185	MW's relationship with Yvette and Mattie Mae started before he was in prison for arson charge. MW met Mattie Mae when Yvette was pregnant. After prison, he was not dating them at the same time.	
186	After prison, he was in a relationship with Mattie Mae and not with Yvette, but he still saw Yvette. Yvette told him he would go to prison for the rest of his life if he stayed with Mattie Mae.	
187	MW had never been to the drink house the night he saw the ambulances. Mitchell and Hunt would do stupid and obnoxious stuff. MW never saw them steal money.	
188	MW never acted as an informant with drugs in Winston-Salem. He did that years before in another county. A police officer he knew who worked at the police department asked him to help.	
189-190	MW first heard about Wilson's death after he came back from prison for the arson charge. Everyone was talking about it. The only thing he knew was that he was killed on Claremont. When he talked to the police about it, the police would tell him that it couldn't have happened the	

	way MW said. He would sometimes talk for hours with them.	
191	The police would give him hints and MW would put it in the story. When he talked to police about Smith, they never told him that what he described was not right.	
192-193	He told police that he pushed her. He didn't throw her down the steps. The first time he was not charged with it. The charge came after he was convicted of the last murder. People referred to Wilson as "Art." A white male detective put him in a room with Mattie Mae for over an hour. They "wanted the stories collaborate" (p. 192, line 24).	
194	The only person he has told about meeting in a room with Mattie Mae was the Commission.	
195	The five percent of the story about Wilson that is true is the part about his getting killed and the car thing. His attorneys wanted to get off his case after he implicated himself in the second murder.	
196	He did not have an issue with his attorneys being black. They were trying to plead him out quickly. He had no concerns about the black community putting pressure on the attorneys. He received a letter in jail from someone that stated they didn't believe they did it.	
197	Wrote a letter to the US DOJ because he was told that the best way to handle it was to recant and to not send it to the State because they wouldn't listen.	
198	Has not written any other recantations other than the letter to the Justice Department, the 15-page affidavit, the affidavit shown to him today, and any other documents shown to him today.	
199	Never spoke to Hunt's community supporters. Thinks he sent a letter to Reverend Mendez.	
200-201	Knows who Imam Khalid Griggs is, but never reached out to him. He would not have done so because Imam Griggs has a different belief as a Muslim. He tries to stay away from Muslims.	
202-203	Mitchell became a homosexual in prison and he was out of control. His mind was gone and he did not care about getting out.	
204-205	MW was a State's witness in Hunt's second trial. Two people from the DA's office spoke to him before putting him on the stand. They told him he was brought to testify about what happened in the case. He never told them that it did not happen. There were many times he wanted to. He has sent the Commission everything he has on the case.	

206-207	MW did not know about Zerwick. The day before she saw him in prison he was told she was a reporter who wanted to talk about his murder cases. She went through everything with him. She came back a second day to talk about Bryson. She told him that he did not kill Bryson, and that Robbin Carmichael did it. She did not give him any other names. MW first heard Carmichael's name 18 to 20 months after he was at Central Prison and before he talked to Zerwick.	
208-210	MW never gave any documents to Zerwick. She brought things and a cameraman. She did not bring the 15-page affidavit or the DOJ letter. After the article was published, she sent it to MW. Everything in the stories was new to him. He did not know about the head injury, autopsy report, and lack of bruises and scratches.	
210-213	He did not talk about the evidence presented at trial with Mitchell. When he first spoke to police about Wilson, they came and took him in their car from the jail. Someone told the police MW wanted to see them. Weavil told him to tell the jailers to contact the police, and to let them know if he could remember anything to help himself. He did not talk to anyone about his plan to reach out to the cops.	
214	It was his plan to talk about the Wilson case based on what he learned about it from being around in the streets. At first he just implicated Hunt and Mitchell, but he was told it did not sound right. When he implicated himself, they felt that it was the correct thing.	
215-217	MW is asked if there is anything in Exhibit 44 that he did not tell police, and is told to highlight those portions. He knows that what he highlighted he did not tell the police. He did not tell the police that Mitchell got the ax handle from Tommy Thompson to keep for him. Mattie Mae had moved five times from the time MW went to prison for the arson until the time he came back. She did not have the ax handle. It was there in the house they moved into that was previously occupied by "somebody and her brother." He told police that the ax handle was the weapon.	Exhibit 44 – Police report of an interview with Merritt Williams on 4/9/1986
218-219	His lawyer told him they were going to get the ax handle matched up with the autopsy to see if it could have been the weapon, but they didn't. He pleaded guilty before they did anything. The police said that there had to be a weapon and MW suggested the ax handle. He came up with it on his own after the police said he had a head wound and that someone hit him in the head with an object.	

220	MW never knew the date because his Mattie Mae had eaten potato salad that made her sick and she lost her baby. MW never said that the victim had flashed money in the drink house and had a large amount of money on him. He was not there to see it.	
221	MW is asked if there is anything in Exhibit 45 that he did not tell police, and is told to highlight those portions.	Exhibit 45 – Police report from April 11, 1986
223-225	MW stopped talking to his biological mother about a year ago because she would not tell him anything about his dad.	
227	MW did not tell police about the potato salad, the victim having a large amount of money, or Mitchell asking the victim why he couldn't buy him and Hunt a drink. He also did not tell the police about an argument over the card game.	
228	He did not tell police anything about Mitchell telling him to take Wilson to Red Mosley's house, and leaving with Wilson and Mattie Mae. He did tell police he walked with Wilson down Claremont toward 18 th Street, and Hunt and Mitchell came out the door behind them.	
229	The police never indicated that the facts MW highlighted were not things they wanted included in the statements. He did tell police that Mitchell clotheslined Wilson with his arm.	
230	MW did not tell police the part about the \$20 five dollar bill, the square toe boots Hunt was wearing.	
231-233	MW met someone who said that Wilson did not carry a lot of money on him. This person told him that Wilson would take one dollar and put it around a bunch of newspaper. He did this to make it seem like he had a lot of money.	
234-235	When he was at Forsyth County jail, they had visitation on certain days.	
236	Certificate of transcript.	

NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO.: 86 CRS 018809

STATE OF NORTH CAROLINA,

Petitioner,

T R A N S C R I P T

vs.

Merritt Williams Drayton

Merritt Williams Drayton,

Recorded Interview

Defendant.

This is the transcript of the recorded interview taken of Merritt Williams Drayton which was conducted by Brian Ziegler, Staff Attorney, Donna "Beth" Tanner, Associate Director, and Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The interview took place on April 10, 2019.

APPEARANCES:

Brian Ziegler, Staff Attorney
Donna "Beth" Tanner, Associate Director
Catherine Matoian, Grant Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present: Julie Boyer, Esq.
Merritt Williams Drayton

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1 P R O C E E D I N G S

2 MS. MATOIAN: Did you have an easy travel, sort
3 of, kind of?

4 MS. BOYER: I probably took a very different way
5 than you guys did. Did you come up 40?

6 MS. MATOIAN: Yeah.

7 MR. ZIEGLER: Yeah.

8 MS. BOYER: And how many times did you want to
9 just out and say screw this, I'm not driving that?

10 MR. ZIEGLER: Only once, but it lasted for like an
11 hour.

12 MS. MATOIAN: Right.

13 MS. BOYER: Oh, yeah.

14 MS. TANNER: I stayed in Marion last night, so it
15 was --

16 MS. BOYER: Okay.

17 MS. TANNER: -- yeah. I was in Winston yesterday.

18 MS. BOYER: Okay. I take -- I took 421 up from
19 Winston, so it's a much easier drive --

20 MS. TANNER: Okay.

21 MS. BOYER: -- even though it's curvy.

22 MS. MATOIAN: Right.

23 MS. TANNER: Sorry, I didn't help anything.

24 MR. ZIEGLER: Yeah. I'm sure you have a lot of
25 (inaudible).

1 So, Mr. Williams, I'm sure Ms. Boyer already
2 talked with you about this, but I just want to make sure you
3 understand that we are a neutral agency. We're attorneys
4 but we don't represent you and we don't represent the
5 district attorney's office.

6 So you've obviously applied to our agency on two
7 different cases.

8 MR. WILLIAMS: Yes, sir.

9 MR. ZIEGLER: Today we're going to be primarily
10 talking about one of those cases. And I think you
11 understand that there will be another interview tomorrow.

12 MR. WILLIAMS: Uh-huh.

13 MR. ZIEGLER: Before we really get into that, I
14 just want to ask a little bit of background about you.

15 Were you born in Winston-Salem?

16 MR. WILLIAMS: No, sir.

17 MR. ZIEGLER: Where were you born?

18 MR. WILLIAMS: I was born in New York in Harlem.
19 And I was put up for adoption in Harlem, so I got adopted to
20 a family in South Carolina.

21 MR. ZIEGLER: Okay. And when did you move to
22 Winston?

23 MR. WILLIAMS: I went to Winston in '80.

24 MR. ZIEGLER: In 1980?

25 MR. WILLIAMS: Uh-huh.

1 MR. ZIEGLER: And did you stay there continuously
2 up until the time you were arrested?

3 MR. WILLIAMS: No. I had went back to High Point,
4 then I came back to Winston in '81 and I stayed there to the
5 time I got arrested. Let's see, I went to -- I got
6 incarcerated on a charge of burning a building not subject
7 to arson.

8 MR. ZIEGLER: Okay.

9 MR. WILLIAMS: And I went in and I got out. And
10 when I got out, that's when these murders start, got these
11 murders.

12 MR. ZIEGLER: When did you get arrested for that,
13 for the burning?

14 MR. WILLIAMS: In '82.

15 MR. ZIEGLER: And where did that take place?

16 MR. WILLIAMS: Winston-Salem.

17 MR. ZIEGLER: What happened? Just very briefly,
18 what happened there?

19 MR. WILLIAMS: There was a house that was up for
20 sale and we had -- two of us had -- we were trying to
21 purchase the house. So across from there was a person that
22 we knew. They didn't like -- they couldn't stand us. But
23 we would go in and out and we tried to work on the house.
24 And one day, the police came to the house and said somebody
25 burned the house down. Well, when we over, the house was

1 burned down. Somebody burnt like in the kitchen. But the
2 female across from where the house is at, she said she seen
3 me go in the house and burn the kitchen down. So I got
4 arrested with no evidence at all. They didn't really -- it
5 was -- she testified in court and that's how I got arrested.

6 MR. ZIEGLER: Did you do that?

7 MR. WILLIAMS: No. I don't know who did it.

8 MR. ZIEGLER: Do you know anything about it?

9 MR. WILLIAMS: No. 'Cause we put so much money
10 into it. It would be crazy to even attempt to do it.

11 MR. ZIEGLER: So even before any of these charges
12 that we're here to talk about today, if I understand, you
13 did prison time for something that you say you did not
14 commit prior to any of this?

15 MR. WILLIAMS: That I didn't commit. I had issues
16 in South Carolina. That was, boy, years and years before
17 this.

18 MR. ZIEGLER: Okay. Do you have any mental health
19 diagnoses?

20 MR. WILLIAMS: A diagnosis, paranoid
21 schizophrenia.

22 MR. ZIEGLER: Okay. Is that a current diagnosis?

23 MR. WILLIAMS: That was -- that's years and years
24 ago. Now, I had just met with my psychologist/psychiatrist
25 today, and he said I had 30 years of -- you know, I have

1 issues. But he said now things seem -- come -- start coming
2 around because I've been taking my medicine. I've been more
3 active.

4 MR. ZIEGLER: Sure.

5 MR. WILLIAMS: Used to not be around people at
6 all.

7 MR. ZIEGLER: Are you -- are you receiving mental
8 health treatment right now?

9 MR. WILLIAMS: Uh-huh.

10 MR. ZIEGLER: Okay. What kind of treatment?

11 MR. WILLIAMS: I take Zoloft and I go to
12 counseling every 60 days.

13 MR. ZIEGLER: And between your diagnosis and your
14 treatment, how does that affect you?

15 MR. WILLIAMS: If I stop taking the medicine, I go
16 into a depressed stage again.

17 MR. ZIEGLER: Okay.

18 MR. WILLIAMS: And that's what the biggest problem
19 was; I had severe depression. And so now I'm somewhat more
20 able to deal with things a little better.

21 MR. ZIEGLER: Okay. When you're not on your
22 medicine, do you feel like you have any trouble
23 understanding what's going on?

24 MR. WILLIAMS: No. I -- I believe I get more
25 anxious and then I feel -- feel out of place. I don't

1 communicate with people once I do that, period. I don't get
2 around nobody; I won't go outside. I just stay inside to
3 myself.

4 MR. ZIEGLER: Does your medication or not being on
5 your medication affect your ability to remember things?

6 MR. WILLIAMS: Some things I can't remember; some
7 things I can.

8 MR. ZIEGLER: Okay. And to be clear, today and
9 tomorrow, for that matter -- we're obviously talking about
10 things that happened a long time ago.

11 MR. WILLIAMS: Yes, sir. I understand.

12 MR. ZIEGLER: If you do not remember, just say you
13 don't remember. We're not asking you to try and piece a
14 puzzle together if you're not sure what happened, okay?

15 MR. WILLIAMS: All right.

16 MR. ZIEGLER: Who is Yvette Johnson?

17 MR. WILLIAMS: We did each other for a while.
18 Matter of fact, we dated each other before this stuff
19 started, before they ever got to any of it.

20 MR. ZIEGLER: How did that relationship end?

21 MR. WILLIAMS: When I started, I guess, caught
22 myself stepping out and messing with Mattie Mae Davis.
23 That's when that kind of (inaudible).

24 MR. ZIEGLER: Between the two of you, between you
25 and Yvette, how did that end?

1 MR. WILLIAMS: Well, that's when I started messing
2 with Ms. Davis.

3 MR. ZIEGLER: Okay. Did you ever have any --

4 MR. WILLIAMS: Issues with her?

5 MR. ZIEGLER: No. I'm still talking about --

6 MR. WILLIAMS: Oh.

7 MR. ZIEGLER: -- Ms. Johnson.

8 MR. WILLIAMS: All right.

9 MR. ZIEGLER: Did you and Ms. Johnson ever have
10 any -- any issues of violence?

11 MR. WILLIAMS: Yes.

12 MR. ZIEGLER: Tell us about that a little bit.

13 MR. WILLIAMS: Well, she had an angry streak and I
14 did too. And one time she -- I came in late. I got in the
15 bed and she had a paring knife in the bed and I didn't see
16 it, she stuck me with that. Most times I guess you'd say we
17 just fight most the time.

18 MR. ZIEGLER: Okay. So what you just described
19 was her being violent against you. Were you ever violent
20 against her?

21 MR. WILLIAMS: Yeah. Because I had -- because I
22 could easily be set off by the things she'd do. I'd get
23 violent --

24 MR. ZIEGLER: Okay.

25 MR. WILLIAMS: -- but --

1 MR. ZIEGLER: Okay. And when you were violent,
2 what did that look like?

3 MR. WILLIAMS: It wasn't what you call a beat a
4 person and drag them out like take them to their death.
5 Just more pushing and shoving than anything. I hit her a
6 couple times and she hit me, more or less a domestic dispute
7 more or less than really anything else.

8 MR. ZIEGLER: Did you ever try to pour chemicals
9 down her mouth?

10 MR. WILLIAMS: No. Uh-uh.

11 MR. ZIEGLER: Did you ever -- did you ever get
12 arrested on any of these domestic issues?

13 MR. WILLIAMS: On -- her -- yes. We -- me and her
14 did one time. I did get arrested and went to court. And
15 the judge was -- he was kind of wild. He said, Y'all two --
16 y'all stay at it all the time. He said, Y'all just have to
17 part ways or y'all just go ahead and get married in the
18 courtroom now to try to save me the trouble. So I left and
19 we parted ways. We ended right back together all the time.
20 We just ended up back together.

21 MR. ZIEGLER: Did you ever get convicted for any
22 of those?

23 MR. WILLIAMS: No.

24 MR. ZIEGLER: So I think you probably understand
25 that in our review of your case we've reviewed a lot of

1 records that have been available.

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: Including your phone calls from
4 prison.

5 MR. WILLIAMS: Uh-huh.

6 MR. ZIEGLER: Did you understand that?

7 MR. WILLIAMS: Uh-huh.

8 MR. ZIEGLER: Okay. Who is Suzanne?

9 MR. WILLIAMS: Fiancee.

10 MR. ZIEGLER: A current fiancée?

11 MR. WILLIAMS: Uh-huh.

12 MR. ZIEGLER: Okay. There is some phone calls
13 when you were talking with Suzanne and you talk about people
14 that you referred to as "the people from Raleigh." Who is
15 that that you were talking about?

16 MR. WILLIAMS: I would tell -- I told her when
17 people like y'all would come, talking to this quiet people.
18 I don't remember his name. I just said people from Raleigh
19 are coming to see me and talk about it.

20 MR. ZIEGLER: So when you say "the people from
21 Raleigh," you were talking about us?

22 MR. WILLIAMS: Uh-huh.

23 MR. ZIEGLER: Okay. And there is a call --
24 another call with Suzanne where you mention the people from
25 Raleigh -- this is not a direct quote. I don't remember

1 exactly what you said.

2 MR. WILLIAMS: Okay.

3 MR. ZIEGLER: But the effect of it was digging up
4 records they have no business digging up. What were you
5 talking about?

6 MR. WILLIAMS: Digging up records they have no
7 business digging up. Oh, no. That's not -- that's not
8 y'all. That's here. They do a lot of digging in Raleigh,
9 too. They dig up things that just -- they just need to let
10 it die.

11 MR. ZIEGLER: What kind of things?

12 MR. WILLIAMS: My past from when I was small, a
13 juvenile when I was in South Carolina. That's how I got the
14 schizophrenic call. When I went to prison there, they did a
15 full workup, mental health workup, and that's when I was
16 diagnosed. And that was just the one thing I wanted to let
17 it go.

18 MR. ZIEGLER: Okay.

19 MR. WILLIAMS: And they would not.

20 MR. ZIEGLER: And there was -- to your
21 understanding it was people from DPS that were looking into
22 that?

23 MR. WILLIAMS: Uh-huh.

24 MR. ZIEGLER: Okay. Who is Mary Smith?

25 MR. WILLIAMS: Mary was a friend of me and Mattie

1 Mae Davis in Winston.

2 MR. ZIEGLER: How did you know her?

3 MR. WILLIAMS: I met her through Mattie Mae's
4 brother-in-law.

5 MR. ZIEGLER: And who's that?

6 MR. WILLIAMS: Willie. I don't know Willie last
7 name now.

8 MR. ZIEGLER: Would that be Willie Little?

9 MR. WILLIAMS: Yeah.

10 MR. ZIEGLER: And I may be mistaken, so please
11 correct me if I'm wrong.

12 MR. WILLIAMS: Uh-huh.

13 MR. ZIEGLER: There -- there are sometimes a man
14 named Millie -- of Willie who is referred to as being
15 mentally retarded. Is that the same person --

16 MR. WILLIAMS: No.

17 MR. ZIEGLER: -- do you know?

18 MR. WILLIAMS: No.

19 MR. ZIEGLER: Okay.

20 MR. WILLIAMS: It's not the same person.

21 MR. ZIEGLER: Okay. Did Mary Smith live by you?

22 MR. WILLIAMS: No. She just frequently come over
23 to the house.

24 MR. ZIEGLER: Okay. And why would she do that?

25 MR. WILLIAMS: Well, Willie would come over and

1 we'll -- Mattie Mae, we'd have like parties and stuff and
2 they'd just come over. A lot of people just drank and --

3 MR. ZIEGLER: Okay. Where were -- where were you
4 living at that time?

5 MR. WILLIAMS: That was 18th -- what you call
6 that? It was down -- just about downtown where -- where the
7 arrest -- when they arrested me. I can't remember the name
8 of that street. The same place Ms. Smith died.

9 MR. ZIEGLER: Okay. Is that an apartment on 9th
10 Street?

11 MR. WILLIAMS: 9th Street, yeah.

12 MR. ZIEGLER: Okay. What happened with Ms. Smith?

13 MR. WILLIAMS: We had a party going on and there
14 was like 12 of us and we were in the house just drinking. I
15 went outside and she came out bugging me. And I told her to
16 quit. I went back in and came back out and she started
17 cursing. She pushed me and I just shoved her. But when I
18 shoved her -- I'm seeing -- it's no railing. It's a railing
19 here because it's -- it's set high, but here it's a long
20 walkway down. When I pushed her, she was on that first
21 landing and she went on down the rest of the way.

22 MR. ZIEGLER: Okay.

23 MR. WILLIAMS: She hit her head.

24 MR. ZIEGLER: What happened immediately after that
25 push? Immediately after she fell, what happened next?

1 MR. WILLIAMS: I can't remember what happened
2 next. I can't remember if I went for help or I didn't. I
3 can't remember.

4 MR. ZIEGLER: Somebody must have called the
5 police, called 9-1-1?

6 MR. WILLIAMS: Somebody did, but I don't know who.

7 MR. ZIEGLER: Do you know who that was?

8 MR. WILLIAMS: Uh-uh.

9 MR. ZIEGLER: Was it you?

10 MR. WILLIAMS: No.

11 MR. ZIEGLER: It was not you?

12 MR. WILLIAMS: No, it wasn't me.

13 MR. ZIEGLER: Then what happened? Who came out
14 after -- after Mary Smith landed at the bottom of the
15 stairs?

16 MR. WILLIAMS: Mattie Mae and some other people
17 came out the house.

18 MR. ZIEGLER: Okay.

19 MR. WILLIAMS: And then I think next door a young
20 girl said she came out on the porch, too.

21 MR. ZIEGLER: Okay. Who came out to your house
22 that wasn't already there as far as in response to the 9-1-1
23 call?

24 MR. WILLIAMS: Ambulance, I know they came.

25 MR. ZIEGLER: Okay.

1 MR. WILLIAMS: I know they came and that was it.

2 MR. ZIEGLER: Did any police come that night?

3 MR. WILLIAMS: No, they didn't come that night.

4 MR. ZIEGLER: Okay. When is the first time you
5 talked to police about Mary Smith?

6 MR. WILLIAMS: They came -- I had went to the
7 hospital to see her myself and she was still unconscious.
8 And I spent most of the night there with her. Came back.
9 Either a couple of days later -- she passed when we came to
10 the hospital. She passed.

11 MR. ZIEGLER: So I just want to make sure I'm
12 understanding you correctly. You do not recall talking to
13 police until after she died?

14 MR. WILLIAMS: I can't remember if I talked to
15 anybody before or not.

16 MR. ZIEGLER: Okay.

17 MR. WILLIAMS: I know that they did come to the
18 house and we talked because we went downtown, I think, and
19 talked about it.

20 MR. ZIEGLER: Okay. And do you recall how long it
21 was after she died before you got arrested?

22 MR. WILLIAMS: No. I can't remember how long it
23 was.

24 MR. ZIEGLER: Okay. I know you said that you knew
25 Mary Smith through Willie Little --

1 MR. WILLIAMS: Uh-huh.

2 MR. ZIEGLER: -- and she would come to your house
3 at your parties.

4 MR. WILLIAMS: Uh-huh.

5 MR. ZIEGLER: Would you say that you were friends?

6 MR. WILLIAMS: I guess you'd say friends but not
7 as close -- not close friends --

8 MR. ZIEGLER: Okay.

9 MR. WILLIAMS: -- you know.

10 MR. ZIEGLER: Who's Arthur Wilson?

11 MR. WILLIAMS: He's the guy we were charged with
12 killing, beating to death from the liquor house --

13 MR. ZIEGLER: Did you --

14 MR. WILLIAMS: -- on Claremont.

15 MR. ZIEGLER: Did you know him?

16 MR. WILLIAMS: Actually, I did not.

17 MR. ZIEGLER: Had you ever met him?

18 MR. WILLIAMS: Uh-uh.

19 MR. ZIEGLER: Did you know him by name?

20 MR. WILLIAMS: Actually, not --

21 MR. ZIEGLER: Like before this incident --

22 MR. WILLIAMS: No.

23 MR. ZIEGLER: -- if somebody -- if somebody says
24 Arthur Wilson, do you know who they're talking about?

25 MR. WILLIAMS: No.

1 MR. ZIEGLER: Did you know -- did you know his
2 face? Had you seen him around?

3 MR. WILLIAMS: To tell you the truth, no, I didn't
4 all. I had been -- you know, I got out and I still couldn't
5 -- didn't see his face. To this day, I still haven't seen
6 but the face that they put in the paper. And I do not.

7 MR. ZIEGLER: Had you heard his -- did you know
8 him by nicknames?

9 MR. WILLIAMS: No.

10 MR. ZIEGLER: Okay. What did you know about him?

11 MR. WILLIAMS: What did I know about him? After I
12 got arrested and everything, you know, I started being asked
13 about certain things in the neighborhood by the police. And
14 not the -- not -- I guess not directly, but one of them
15 asked me if I knew anything about Arthur Wilson, and I told
16 him no. But then --

17 MR. ZIEGLER: Hang on. Just rewind about
18 20 seconds.

19 MR. WILLIAMS: Okay.

20 MR. ZIEGLER: Where were you when you were talking
21 to the police? This conversation that you were just to
22 start telling me about when you said somebody asked you
23 about Arthur Wilson. Where were you went this took -- took
24 place?

25 MR. WILLIAMS: In the back of a police car. I

1 think they pulled up to get them something to eat and that's
2 where the whole conversation started everything.

3 MR. ZIEGLER: And was this before Mary Smith?

4 MR. WILLIAMS: After.

5 MR. ZIEGLER: This is after. Had you already been
6 arrested?

7 MR. WILLIAMS: Yeah. I had been arrested, but
8 they let me go, too. They had a thing where they let me go.
9 I got arrested for Mary Smith. And we went to court,
10 something was wrong and they was going to throw it out, and
11 then me coming back later.

12 MR. ZIEGLER: Okay. So you had been arrested for
13 Mary Smith but you're out in the world and you --

14 MR. WILLIAMS: No. What -- what happened, when I
15 got arrested for Mary Smith, I went to jail -- I went to
16 jail, but I ended up getting out. But then when I -- when
17 they come back again and questioned me the second time, they
18 arrested me, that's when everything got started.

19 MR. ZIEGLER: How did you first find out that
20 Arthur Wilson had died?

21 MR. WILLIAMS: I actually saw it, it was in the
22 newspaper. They had that article on both murders in the
23 newspaper and...

24 MR. ZIEGLER: When was that as best as you can
25 remember? And you can use in relation to Mary Smith's

1 death. Was it before or after, as best as you recall?

2 MR. WILLIAMS: It was after Mary Smith death.

3 MR. ZIEGLER: After Mary Smith died --

4 MR. WILLIAMS: Uh-huh.

5 MR. ZIEGLER: -- you saw an article in the
6 newspaper?

7 MS. MATOIAN: And when you say "both murders,"
8 you're talking about Wilson and Bryson?

9 MR. WILLIAMS: Yes, ma'am.

10 MR. ZIEGLER: Okay. I'm sorry I interrupted you.
11 I'm trying to get a sense of the timing on that. Okay. So
12 tell me about this article that you saw.

13 MR. WILLIAMS: It just was -- it was a lot of
14 things going on dealing with Darryl Hunt at the time. And
15 they were putting together like little events that happened
16 in Winston-Salem with murders, and they listed a couple of
17 murders that were still, I guess, unsolved or things they
18 didn't know about it. And there were little things that I
19 could pick up from it and I'd use it. But when they
20 questioned me and some of the things that I had heard, I
21 used it. And then they started trying to make a case of it.
22 They started asking me questions and I answered the best I
23 could.

24 MR. ZIEGLER: Where had you heard those things?

25 MR. WILLIAMS: In the neighborhood. It was the

1 talk of the town. Nobody --

2 MR. ZIEGLER: Are --

3 MR. WILLIAMS: -- nobody really cared.

4 MR. ZIEGLER: Are you talking about around the
5 time that it happened?

6 MR. WILLIAMS: Oh, after it happened.

7 MR. ZIEGLER: So the crime --

8 MR. WILLIAMS: It had to be '83.

9 MR. ZIEGLER: Right. The crime happened in 1983.

10 MR. WILLIAMS: Right before I went to prison.

11 MR. ZIEGLER: This -- this arrest and everything
12 we're talking about is 1986.

13 MR. WILLIAMS: Yeah.

14 MR. ZIEGLER: So when you're saying it was the
15 talk of the town, when was that, '86 or '83?

16 MR. WILLIAMS: '83. Right before I went to
17 prison.

18 MR. ZIEGLER: Okay. Was that prison for the
19 burning?

20 MR. WILLIAMS: Yes.

21 MR. ZIEGLER: And what did you learn from it being
22 the talk of the town?

23 MR. WILLIAMS: People just talking about him being
24 robbed and he got beat. And then the rest of it came from
25 newspaper articles. There was a car was on the scene and

1 the chase and stuff. And I used -- put that all together
2 when I was making my statements to police.

3 MR. ZIEGLER: Where were you that night that he
4 was killed?

5 MR. WILLIAMS: I have no idea. I know I wasn't
6 over there. I know that.

7 MR. ZIEGLER: You were not at the drink house on
8 Claremont?

9 MR. WILLIAMS: No.

10 MR. ZIEGLER: Had you ever been there before?

11 MR. WILLIAMS: Yes.

12 MR. ZIEGLER: Would you go there often?

13 MR. WILLIAMS: Maybe two times, three. Yeah,
14 about three. That's it.

15 MR. ZIEGLER: Two times a week --

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: -- or two times ever?

18 MR. WILLIAMS: No, a week.

19 MR. ZIEGLER: Two times a week. Who would you go
20 with?

21 MR. WILLIAMS: Mattie Mae.

22 MR. ZIEGLER: And who would you normally see
23 there?

24 MR. WILLIAMS: Mr. Crowder, his son, his wife.
25 Sammy would -- his brother would be there more than

1 anything. Darryl, he'd come and go. He wouldn't -- he
2 didn't normally stay. He'd just come and go out.

3 MR. ZIEGLER: So you had seen Sammy there before?

4 MR. WILLIAMS: Uh-huh.

5 MR. ZIEGLER: And you had seen Darryl there
6 before?

7 You're nodding your head. That -- is that a
8 yes --

9 MR. WILLIAMS: Yes.

10 MR. ZIEGLER: -- you had -- okay.

11 And you said you have no idea where you actually
12 were that night?

13 MR. WILLIAMS: No idea.

14 MR. ZIEGLER: Okay. Did you spend most nights
15 around that time with Mattie Mae?

16 MR. WILLIAMS: Yeah. We spent more time together
17 during that time.

18 MR. ZIEGLER: Okay. Could she have been at the
19 drink house without you?

20 MR. WILLIAMS: Yeah.

21 MR. ZIEGLER: Okay.

22 MR. WILLIAMS: She went more than I did anyway.

23 MR. ZIEGLER: Okay. I'm going to show you a map
24 and just ask you to mark on it. Actually, I'm not to show
25 you a map right at this moment. We may.

1 MS. MATOIAN: They're in the car where they're
2 super useful to me.

3 MR. ZIEGLER: That's all right. We can just
4 number them.

5 MS. TANNER: That's all right. We'll just write
6 it in. We'll write it.

7 MR. ZIEGLER: I will show you this map.

8 MS. TANNER: (Inaudible.)

9 MR. ZIEGLER: So I apologize. It's a little bit
10 of a bad copy and some of these street names have changed
11 since that time.

12 MR. WILLIAMS: All right.

13 MR. ZIEGLER: But this is -- this is labeled.
14 There's Claremont Avenue.

15 MR. WILLIAMS: Uh-huh.

16 MR. ZIEGLER: This is 17th Street down at the
17 bottom of the map.

18 MR. WILLIAMS: Uh-huh.

19 MR. ZIEGLER: It is my understanding that what is
20 called Bethlehem Lane right here used to be called 19th
21 Street. Does that look right to you?

22 MR. WILLIAMS: I don't if -- yeah. Them old
23 buildings, they're new.

24 MR. ZIEGLER: Okay. Right, right. And this -- I
25 understand that the buildings and things have changed.

1 So this would be 19th Street at the top. I'm
2 going to label it. And it is my understanding that what is
3 now called New Hope Lane here in the middle of the map used
4 to be called 18th Street right in between 19th and 17th.
5 Does that seem right to you?

6 MR. WILLIAMS: There's something strange about
7 this because I lived on 18th. 18th was further up. It
8 never ran across each other. We stayed on 18th Street that
9 was here.

10 MR. ZIEGLER: So I think this is 19th and then you
11 go one block down to 18th --

12 MR. WILLIAMS: Uh-huh.

13 MR. ZIEGLER: -- and you could go one block down
14 to 17th. Does that seem right?

15 MR. WILLIAMS: I can show you.

16 MR. ZIEGLER: Yeah, if you can. And -- and I'll
17 tell you that --

18 MS. TANNER: Would you like a piece of paper?

19 MS. MATOIAN: Do you want a red --

20 MR. WILLIAMS: Paper. Yeah, a little --

21 MS. MATOIAN: -- a red pen?

22 MR. WILLIAMS: -- piece of paper.

23 MS. MATOIAN: I got a paper. I got one.

24 MS. TANNER: You got it?

25 MS. MATOIAN: Uh-huh.

1 MR. ZIEGLER: I'll tell you, Mr. Williams, the
2 questions that I'm going to ask are about the location of a
3 church and the location of a store.

4 MR. WILLIAMS: All right.

5 MR. ZIEGLER: Because I understand the buildings
6 have changed, so --

7 MR. WILLIAMS: Right.

8 MR. ZIEGLER: -- if you don't remember, I would
9 rather you tell me you just do not know than put something
10 on here that's not right.

11 MR. WILLIAMS: Yeah. See, what gets me is that --
12 now here -- there's an 18th Street here. Now, you come
13 on --

14 MS. MATOIAN: Mark that as 18th just so we can
15 remember.

16 MR. WILLIAMS: And if you come back this way from
17 18th, you come to this.

18 MS. TANNER: To what?

19 MR. WILLIAMS: To 19th Street and B, you'd -- I
20 think (inaudible.) Now, you had to come back to this street
21 here.

22 MS. TANNER: What is the name of that street there
23 that you're pointing at in your drawing?

24 MR. WILLIAMS: I don't that's -- be 18th Street or
25 not. Because what happened, it was a store on the corner of

1 18th.

2 MS. TANNER: What store?

3 MR. WILLIAMS: It closed down now. It was an old
4 corner store. I can't remember.

5 MS. TANNER: What did they sell?

6 MR. WILLIAMS: I never went in it.

7 MS. TANNER: Okay.

8 MR. WILLIAMS: It was old.

9 MS. TANNER: Can you mark that "store"?

10 MR. WILLIAMS: Let's see if I can do it and get it
11 right.

12 MR. ZIEGLER: So --

13 MS. TANNER: That's okay.

14 MR. ZIEGLER: -- to look here, I don't know if
15 this will help you or not. There's a black "X" already on
16 this map.

17 MR. WILLIAMS: Uh-huh.

18 MR. ZIEGLER: That is the location of the drink
19 house. So if knowing that location --

20 MR. WILLIAMS: Okay.

21 MR. ZIEGLER: -- will help you identify --

22 MR. WILLIAMS: Yeah.

23 MR. ZIEGLER: -- where was the store --

24 MR. WILLIAMS: Yeah.

25 MR. ZIEGLER: -- and where was the church.

1 MR. WILLIAMS: Okay. There is a little store
2 here. And there's a little --

3 MS. MATOIAN: Here, use a red pen so we can see
4 it.

5 MR. WILLIAMS: This is the -- this is an old --
6 this was an old store right here.

7 MR. ZIEGLER: And it was across the street from
8 the drink house?

9 MR. WILLIAMS: No. It -- well, on the other side
10 of the street. The drink house here, if you come this
11 way --

12 MR. ZIEGLER: Uh-huh.

13 MR. WILLIAMS: -- right here used to be a church.
14 Right here.

15 MR. ZIEGLER: Okay. And that --

16 MS. TANNER: We need -- yeah, go ahead.

17 MR. WILLIAMS: Right there. There used to be a
18 church right here.

19 MR. ZIEGLER: That may actually still be there.

20 MS. MATOIAN: Will you write "store" and "church"
21 on those? I'm sorry, I don't mean to confuse you, but I
22 just --

23 MR. WILLIAMS: All right.

24 MS. MATOIAN: -- want us to know what we're
25 looking at.

1 MR. ZIEGLER: That pen's not -- there it goes.

2 MS. TANNER: There it goes.

3 MR. ZIEGLER: Okay. Okay.

4 MS. TANNER: So this is Claremont, right?

5 MR. WILLIAMS: Yes, ma'am.

6 MS. TANNER: So this store was on the corner of --
7 of this part of Claremont across from the church?

8 MR. WILLIAMS: Uh-huh.

9 MR. ZIEGLER: Okay.

10 MS. TANNER: Okay. Where there was some other
11 road coming in --

12 MR. WILLIAMS: There was --

13 MS. TANNER: -- to Claremont?

14 MR. WILLIAMS: Right here there was like a little
15 land, but you can't go but so far, right by the church and
16 it stops. I mean right by the store right here --

17 MS. TANNER: Uh-huh.

18 MR. WILLIAMS: -- there's like a little -- it
19 looked like just a little road somebody would use to park
20 their cars and stuff. But it went a little further back and
21 it stopped. And the only way to get there would be through
22 here.

23 MS. TANNER: And when you were there in the 1980s,
24 what was the name of the road that went beside the church
25 when you came to this intersection that was across from the

1 store?

2 MR. WILLIAMS: I don't remember if it was 17th or
3 16th. I don't know if it was 17th or 16th Street.

4 MR. ZIEGLER: 17th Street is here.

5 MR. WILLIAMS: So I don't know what that was then.
6 I can't remember the name of it. Now, see, 18th Street
7 is -- had two part to it because you have an 18th Street
8 here --

9 MS. TANNER: Yes, sir.

10 MR. ZIEGLER: Again, sir, I don't know if this
11 will help you, but this is 18th right here, one block over
12 from Claremont. It's called Locust Avenue.

13 MR. WILLIAMS: Uh-huh.

14 MR. ZIEGLER: And you can see 18th Street and it
15 kind of dead ends at Locust Avenue.

16 MR. WILLIAMS: It ends here, uh-huh.

17 MR. ZIEGLER: And then this block doesn't have a
18 street go through it.

19 MR. WILLIAMS: That's right.

20 MR. ZIEGLER: But over here, today it's called New
21 Hope Lane.

22 MR. WILLIAMS: So -- so, see, now, I don't know
23 what the name of that was at that time.

24 MR. ZIEGLER: Could that have been 18th Street?

25 MR. WILLIAMS: It may have, but I don't -- I just

1 don't know if it was 18th Street or not.

2 MR. ZIEGLER: Okay.

3 MS. TANNER: Okay.

4 MR. ZIEGLER: Okay. That may be all we need to do
5 with the --

6 MR. WILLIAMS: Okay.

7 MR. ZIEGLER: -- map right now. Thank you.

8 MS. TANNER: We're going to mark this as
9 Exhibit 43, okay?

10 MR. WILLIAMS: Uh-huh.

11 MS. MATOIAN: That's 42.

12 MS. TANNER: 42. I'm sorry. That will help us
13 keep up with it.

14 (Exhibit Number 42 was introduced.)

15 MS. TANNER: And I'm sorry, you drew a little bit
16 of something on the back of this paper and I just want to be
17 able to keep up with it.

18 MR. WILLIAMS: Right.

19 MS. TANNER: So this you drew here was 18th
20 Street?

21 MR. WILLIAMS: Uh-huh.

22 MS. TANNER: You drew this corner store?

23 MR. WILLIAMS: Uh-huh.

24 MS. TANNER: Is that the same store that you're
25 trying to represent on --

1 MR. WILLIAMS: No.

2 MS. TANNER: -- on Exhibit 42? No.

3 MR. WILLIAMS: No. It was 18th over here, so I
4 didn't know what this -- I don't know if 18th Street had
5 continued over here or not.

6 MS. TANNER: Okay.

7 MR. WILLIAMS: Now, see, you've got 18th here.
8 There's a little corner store. Because we lived on 18th.
9 When we come back, we'd have to come back up to get to this
10 over here. So we don't know if that was 18th or not.

11 MR. ZIEGLER: Okay.

12 MS. TANNER: Okay.

13 MR. ZIEGLER: So there were two stores?

14 MR. WILLIAMS: Uh-huh.

15 MR. ZIEGLER: Okay.

16 MS. TANNER: Okay.

17 MR. ZIEGLER: Okay. That's what I thought.

18 MS. TANNER: And then what would this one here be?

19 MR. WILLIAMS: This line would be 19th.

20 MS. TANNER: Okay. Can you just --

21 MR. WILLIAMS: But they -- but they got the
22 streets fixed. I haven't been there in so long. It was odd
23 because the street would start, and then once you turn out,
24 the other part of that street would be over here and start
25 up again.

1 MS. TANNER: There'd be a break?

2 MR. WILLIAMS: A break.

3 MS. TANNER: It wouldn't be continuous?

4 MR. WILLIAMS: It wouldn't be continuous. And
5 that's what happened to 18th Street; it stopped here and
6 then it moved again.

7 MS. TANNER: So it stopped there?

8 MR. WILLIAMS: Uh-huh.

9 MS. TANNER: And there would be a break?

10 MR. WILLIAMS: Uh-huh. It stopped.

11 MS. TANNER: And then -- and then beyond the break
12 would be 18th again?

13 MR. WILLIAMS: Uh-huh.

14 MS. TANNER: Okay.

15 MR. WILLIAMS: Kinda like this way. And that
16 could very well be 18th there.

17 MS. TANNER: You're point to this --

18 MR. WILLIAMS: Yes.

19 MS. TANNER: -- what is labeled New Hope Lane --

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: -- on Exhibit 42?

22 MR. WILLIAMS: Uh-huh.

23 MS. TANNER: Okay. And if on Exhibit 42, the
24 black "X" represents the drink house, where did you live?
25 Is that pictured on this map?

1 MR. WILLIAMS: Uh-uh. I lived --

2 MS. TANNER: It's off?

3 MR. WILLIAMS: I lived over there on 18th Street.

4 MS. TANNER: Okay. So you're pointing off

5 Exhibit 42 kinda in the corner?

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: Why don't you put a red "X" there and

8 put house or --

9 MR. WILLIAMS: It's --

10 MS. TANNER: That's fine.

11 MR. WILLIAMS: It would be -- this black might be

12 better. It would be in that area.

13 MS. TANNER: Like over there?

14 MR. WILLIAMS: Uh-huh.

15 MR. ZIEGLER: Okay.

16 MS. TANNER: Can you write "house" there?

17 MR. WILLIAMS: Do you want me to put an "X" right

18 here?

19 MS. TANNER: Yeah, that's fine.

20 MR. ZIEGLER: That's fine.

21 MS. TANNER: And that's on Exhibit 42. Okay. And

22 then when you're using -- on your drawing, when you're doing

23 18th Street and the corner store, what is this line here?

24 MR. WILLIAMS: This is where I come back over and

25 get to this street.

1 MS. TANNER: Got it.

2 MR. WILLIAMS: You see, because 18th here. You
3 have to come back -- I considered it, well, like a little
4 block -- and you go down --

5 MS. TANNER: Uh-huh.

6 MR. WILLIAMS: -- go down 19th and you hit -- you
7 would hit Claremont about in here somewhere.

8 MS. TANNER: Okay. So this line here is
9 Claremont?

10 MR. WILLIAMS: Claremont, uh-huh.

11 MS. TANNER: Can you write that there for me?

12 MR. WILLIAMS: C-l -- C-l --

13 MS. TANNER: C-l-a-r --

14 MR. WILLIAMS: M-o-u-n-t?

15 MS. TANNER: That's fine. And then what is this
16 line here representing in your mind? 19th. Okay.

17 MR. ZIEGLER: Okay.

18 MS. TANNER: I'm going to mark this as Exhibit 43.
19 That's your drawing.

20 (Exhibit Number 43 was introduced.)

21 MS. TANNER: Okay. Thank you.

22 MR. ZIEGLER: All right. Thank you, Mr. Williams.
23 I'll grab my pen back.

24 MR. WILLIAMS: Sure.

25 MR. ZIEGLER: I appreciate it.

1 So going back to that time in September of 1983,
2 did you know Sammy Mitchell?

3 MR. WILLIAMS: Oh, yeah. I knew him.

4 MR. ZIEGLER: Did you know him personally?

5 MR. WILLIAMS: No. Just by seeing him. We
6 weren't no -- not close friends, but just like, you know, if
7 you go into a club and you meet people you know, like just
8 get familiar with them.

9 MR. ZIEGLER: Okay. Would you say you just knew
10 him from around the neighborhood?

11 MR. WILLIAMS: Uh-huh.

12 MR. ZIEGLER: Okay. What did you know about him?

13 MR. WILLIAMS: When he'd get drunk, he loved to
14 fight a lot.

15 MR. ZIEGLER: Okay.

16 MR. WILLIAMS: But when he's sober, he's all
17 right.

18 MR. ZIEGLER: Did people like him?

19 MR. WILLIAMS: Some. They like him when he wasn't
20 drinking, he was all right. And once he start to drinking,
21 he became really wild.

22 MR. ZIEGLER: How often would he drink?

23 MR. WILLIAMS: He -- I guess Sammy -- he stayed --
24 he probably stayed there more than anybody else. Because
25 when Mattie Mae would go, she would -- she'd come over to

1 the house and she said she'd see Sammy always in the house,
2 so he went a lot.

3 MR. ZIEGLER: Okay. Did you know about him ever
4 jumping on anybody in the neighborhood?

5 MR. WILLIAMS: No. I never seen him jump on
6 people. I'd just seen him argue. While we were in the
7 drink house, he'd argue with people a lot.

8 MR. ZIEGLER: Did you know him to carry weapons?

9 MR. WILLIAMS: No.

10 MR. ZIEGLER: Did you know him to rob anyone?

11 MR. WILLIAMS: No.

12 MR. ZIEGLER: Okay. Would you ever do anything
13 with him other than just seeing him in the drink house?

14 MR. WILLIAMS: We played cards when we're in the
15 drink house, but that's about it. Nothing else.

16 MR. ZIEGLER: Did you see him the night that
17 Arthur Wilson was killed?

18 MR. WILLIAMS: Uh-uh.

19 MR. ZIEGLER: Did you know Darryl Hunt back at
20 that time?

21 MR. WILLIAMS: Yeah.

22 MR. ZIEGLER: How did you know him?

23 MR. WILLIAMS: The same way. He frequented the
24 drink house hisself.

25 MR. ZIEGLER: How -- going back to Sammy Mitchell.

1 How long did you know him about?

2 MR. WILLIAMS: From say '82 to the time I got
3 charged with the Wilson murder.

4 MR. ZIEGLER: So you think you met him in 1982?

5 MR. WILLIAMS: I knew him in '82.

6 MR. ZIEGLER: Okay. Did you like him?

7 MR. WILLIAMS: We did a lot of things together
8 like drink and stuff, play cards. We just -- I guess not
9 say like, but become friends somewhat of a -- to do things
10 together.

11 MR. ZIEGLER: Did you dislike him?

12 MR. WILLIAMS: At times when he -- at times -- I
13 couldn't stand him at times.

14 MR. ZIEGLER: Why not?

15 MR. WILLIAMS: Because he -- he took things a
16 little bit too far at times. He would get angry. He just
17 -- he'd just get wild really.

18 MR. ZIEGLER: Did he get angry with you?

19 MR. WILLIAMS: Sometime he did, but he -- we never
20 had no confrontation.

21 MR. ZIEGLER: Okay. And now going back to Darryl
22 Hunt. How long had you known him?

23 MR. WILLIAMS: I had known him -- I knew Darryl
24 after I met Sammy.

25 MR. ZIEGLER: So sometime after you met Sammy?

1 MR. WILLIAMS: Uh-huh.

2 MR. ZIEGLER: Did you know him in 1983 when Arthur
3 Wilson was killed?

4 MR. WILLIAMS: Darryl, no.

5 MR. ZIEGLER: So at the times -- at the time
6 Mr. Wilson was killed, you did not know Darryl?

7 MR. WILLIAMS: I met Darryl right before I went to
8 prison when I met -- met Darryl.

9 MR. ZIEGLER: Is that prison for the burning?

10 MR. WILLIAMS: For the burning, uh-huh.

11 MR. ZIEGLER: And that was -- that was in 1983?

12 MR. WILLIAMS: '83.

13 MR. ZIEGLER: And what would you do with Darryl
14 Hunt?

15 MR. WILLIAMS: We all went to the house together,
16 doing the same thing, drinking and playing cards.

17 MR. ZIEGLER: Did you like him?

18 MR. WILLIAMS: Yeah, he's all right. He was a kid
19 then. He was all right. He didn't never start anything.

20 MR. ZIEGLER: Did you ever dislike him?

21 MR. WILLIAMS: No.

22 MR. ZIEGLER: Did you ever have any confrontations
23 with him?

24 MR. WILLIAMS: No.

25 MR. ZIEGLER: Were you ever a confidential

1 informant? Separate and apart from statements you made in
2 these cases, were you ever an informant for the police?

3 MR. WILLIAMS: I was an informant down there one
4 time. They came to me -- they had a controlled bust
5 substance. That was long before this. Years and years
6 before this.

7 MR. ZIEGLER: What was your role in that?

8 MR. WILLIAMS: '80 -- in the '80s. I can't
9 remember.

10 MR. ZIEGLER: Were you getting busted for having a
11 substance?

12 MR. WILLIAMS: No.

13 MR. ZIEGLER: You were helping --

14 MR. WILLIAMS: Yeah.

15 MR. ZIEGLER: -- to do the busting?

16 MR. WILLIAMS: Yeah. I don't no drugs at all.

17 MR. ZIEGLER: I mean why would you do that? Why
18 would you help the police to make a bust?

19 MR. WILLIAMS: Well, it was at that time where
20 something went on and it was person too young involved in it
21 and I knowed them. And so I helped them so the kid wouldn't
22 get jammed up in it. I think -- I don't know what they got
23 out of this deal, what they found in the car and stuff, but
24 it was some drugs involved and that was it.

25 MR. ZIEGLER: What did you get out of the deal?

1 MR. WILLIAMS: Nothing.

2 MR. ZIEGLER: What nicknames did you go by?

3 MR. WILLIAMS: I only had one, Junior.

4 MR. ZIEGLER: Junior. Did you ever go by a
5 nickname New York?

6 MR. WILLIAMS: No. Never.

7 MR. ZIEGLER: Were you ever -- did you ever inform
8 on somebody named Terry Smith for drug cases?

9 MR. WILLIAMS: That's -- came up when we did the
10 Deborah Sykes murder. When they had the Deborah Sykes
11 murder, his name came up as being a part of that.

12 MR. ZIEGLER: Oh. Okay. I'm -- separate from
13 that, did you know him to be a drug dealer?

14 MR. WILLIAMS: Yeah.

15 MR. ZIEGLER: Were you ever involved in helping
16 the police with a drug case against him?

17 MR. WILLIAMS: No.

18 MR. ZIEGLER: No, okay.

19 MR. WILLIAMS: Uh-uh.

20 MR. ZIEGLER: Were you ever -- other than that one
21 that you just talked about with the young kid in the car --
22 who was that?

23 MR. WILLIAMS: God, this was long before any of
24 this happened. I can't remember his name. It was before I
25 came -- went to prison.

1 MR. ZIEGLER: Did you -- what was your
2 relationship with the police that were working on that?

3 MR. WILLIAMS: I just knew one of them by seeing
4 -- seeing him -- dealing with some people I knew. That's
5 it. And that wasn't even in Winston.

6 MR. ZIEGLER: And how did it come to be -- it was
7 not in Winston?

8 MR. WILLIAMS: No.

9 MR. ZIEGLER: Okay.

10 MR. WILLIAMS: No.

11 MR. ZIEGLER: Did you ever -- were you ever a
12 confidential informant --

13 MR. WILLIAMS: No.

14 MR. ZIEGLER: -- for Winston-Salem police?

15 MR. WILLIAMS: No.

16 MR. ZIEGLER: Did you ever go by the nickname New
17 York?

18 MR. WILLIAMS: No.

19 MR. ZIEGLER: Did I already ask that?

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: Yes.

22 MR. ZIEGLER: Sorry. All right. That won't be
23 the only time I do that.

24 MR. WILLIAMS: No, only Junior. That's it.

25 MR. ZIEGLER: All right. Now coming back to these

1 cases. Do you remember talking to police --

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: -- about Arthur Wilson?

4 MR. WILLIAMS: Uh-huh.

5 MR. ZIEGLER: How many times?

6 MR. WILLIAMS: God. At least three or four times.

7 MR. ZIEGLER: In what time frame did that start?

8 MR. WILLIAMS: Oh, God. I can't remember the date
9 of it. It wasn't in the winter.

10 MR. ZIEGLER: Okay. You can --

11 MR. WILLIAMS: It was the summer.

12 MR. ZIEGLER: -- you can use Mary Smith as a frame
13 of reference for time. Are we talking before Mary Smith's
14 death or after Mary Smith's death?

15 MR. WILLIAMS: After Mary Smith's death.

16 MR. ZIEGLER: Okay. And how did that happen, that
17 first conversation with police about the Arthur Wilson case?

18 MR. WILLIAMS: Okay. To start off with Mary
19 because Mary stayed in the neighborhood a lot, but she also
20 -- people felt that she was there for another reason.

21 MR. ZIEGLER: What do you mean?

22 MR. WILLIAMS: Because she stayed there -- because
23 trying to get dirt on Sammy and Darryl another murder.

24 MR. ZIEGLER: And -- and when you say "the
25 neighborhood," did Sammy and Darryl stay in that

1 neighborhood?

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: Okay. And you stayed in that
4 neighborhood?

5 MR. WILLIAMS: All of us stayed in the same
6 neighborhood.

7 MR. ZIEGLER: Okay.

8 MR. WILLIAMS: In that same section.

9 MR. ZIEGLER: All right. Go on.

10 MR. WILLIAMS: And after her death, when I --
11 police said -- the first time the police talked to me about
12 it --

13 MR. ZIEGLER: And when you say they talked to you
14 about it, are you talking about Mary Smith?

15 MR. WILLIAMS: Mary Smith.

16 MR. ZIEGLER: Okay.

17 MR. WILLIAMS: He had mentioned -- I can't
18 remember which one it was. I know their name -- some of
19 their names, but I can't remember exactly. But the question
20 was about Mary being Caucasian. And it wasn't a
21 manslaughter then, it was -- it was considered murder,
22 murdered her.

23 MR. ZIEGLER: Okay.

24 MR. WILLIAMS: And then me not thinking about it,
25 I had always thought she'd be an informant. Then Sammy --

1 and then started using that because the way she would always
2 talk about things. And then she had people that supposed to
3 been on the police department. And that's when this whole
4 mess just started. That's when I -- I --

5 MR. ZIEGLER: Okay.

6 MR. WILLIAMS: -- incriminated myself murder.

7 MR. ZIEGLER: Before we get into that, I want to
8 back up to something you just said. You said the question
9 came up about Mary Smith being Caucasian and then you said
10 it was murder and not manslaughter.

11 MR. WILLIAMS: Well, everybody thought that --
12 thought I killed her.

13 MR. ZIEGLER: Did you kill her?

14 MR. WILLIAMS: Outright kill her. Well, not when
15 people say murder, no. We were arguing and I pushed her,
16 but my intention was not to kill her.

17 MR. ZIEGLER: Okay.

18 MR. WILLIAMS: No.

19 MR. ZIEGLER: What does her being Caucasian have
20 to do with that?

21 MR. WILLIAMS: Because me and Sammy and Darryl,
22 we're in the same neighborhood and I knew what happened to
23 Darryl. I wasn't about to let that -- the same thing is
24 going to come up again. And I --

25 MR. ZIEGLER: What do you mean by that?

1 MR. WILLIAMS: Because, you know, Sammy and Darryl
2 got tied up in the Deborah Sykes case.

3 MR. ZIEGLER: Right.

4 MR. WILLIAMS: Both were Black. And the thing
5 with the steamrolling and that was the one thing I didn't
6 want to happen.

7 Right before she died, a car came around the house
8 on Claremont with some people and I never get -- knew who it
9 was and they're asked what happened to her.

10 And Mattie Mae always told me, she said, You know
11 she probably an informant.

12 I said, She couldn't be. But then I thought about
13 it the same way, she could be an informant and I just
14 screwed up because --

15 MR. ZIEGLER: How -- an informant -- explain to me
16 a little bit about what you mean "she could be an
17 informant."

18 MR. WILLIAMS: Because she would be around Darryl
19 and Sammy and Willie all the time.

20 MR. ZIEGLER: Okay.

21 MR. WILLIAMS: And the thing with Darryl had not
22 been cleared yet. None of that had been cleared yet --

23 MR. ZIEGLER: And what --

24 MR. WILLIAMS: -- until --

25 MR. ZIEGLER: -- so what would she be informing

1 on?

2 MR. WILLIAMS: If he had -- if he had really did that
3 Sykes murder because he would talk about things he'd done.
4 And that was the one thing people thought probably come out
5 of it.

6 MR. ZIEGLER: Okay.

7 MR. WILLIAMS: And that's what I had told the
8 police.

9 MR. ZIEGLER: And were you just guessing that she
10 was an informant or did she ever tell you that?

11 MR. WILLIAMS: Guessing.

12 MR. ZIEGLER: Okay.

13 MS. TANNER: Mr. Williams, did you know Mary Smith
14 first or Darryl Hunt first?

15 MR. WILLIAMS: I knowed Mary first.

16 MS. TANNER: Okay. From the time you knew Mary,
17 the first time you ever knew her, was she always hanging
18 around Sammy or Darryl?

19 MR. WILLIAMS: And Willie, yeah.

20 MS. TANNER: And who else?

21 MR. WILLIAMS: Willie.

22 MS. TANNER: Willie?

23 MR. WILLIAMS: Uh-huh.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: She's supposed to --

1 MS. TANNER: Is Willie the gentleman with the
2 developmental disabilities?

3 MR. WILLIAMS: No. Willie had a stroke later on,
4 but when we were together he wasn't was --

5 MS. MATOIAN: Are you talking about Willie Little?

6 MR. WILLIAMS: Little, uh-huh.

7 MS. TANNER: Little, okay.

8 MR. WILLIAMS: He had a stroke.

9 MS. TANNER: So all the time you knew Mary Smith,
10 she would hang around with Sammy and Darryl and Willie?

11 MR. WILLIAMS: Uh-huh. All in the same liquor
12 house. That's the liquor house they frequent.

13 MS. TANNER: Okay. Which liquor house?

14 MR. WILLIAMS: Ezelle's.

15 MS. TANNER: Okay. So you met Darryl or got to
16 know Darryl after you met Mary Smith?

17 MR. WILLIAMS: Uh-huh.

18 MS. TANNER: Okay.

19 MR. ZIEGLER: So I want to go back to what you
20 started to get into, the first time you talked to police
21 about Arthur Wilson.

22 MR. WILLIAMS: Uh-huh.

23 MR. ZIEGLER: What do you -- what do you recall
24 about that? Where -- where did that conversation happen?
25 How was it initiated?

1 MR. WILLIAMS: It happened in the unmarked car.
2 We were at someplace -- they were getting food. They were
3 -- it's like a drive-thru. They were getting food and --

4 MR. ZIEGLER: Getting food for who?

5 MR. WILLIAMS: For themselves. And we started
6 talking. They asked me if I had knowed anything about the
7 Deborah Sykes. I said no.

8 MR. ZIEGLER: Why were you with them in the car?

9 MR. WILLIAMS: Because that was during the time
10 they were questioning me about Mary, more things about Mary.

11 MR. ZIEGLER: You were in the car to talk about
12 Mary Smith?

13 MR. WILLIAMS: That's what I was supposed to be
14 talking about.

15 MR. ZIEGLER: Okay.

16 MR. WILLIAMS: But they wanted to know if I knowed
17 anything about the Deborah Sykes case and I didn't know
18 anything.

19 MR. ZIEGLER: Okay. So what did you tell -- what
20 did they say to you? As best as you can recall, what did
21 they say to you?

22 MR. WILLIAMS: They said I had -- you got to know
23 something or you better know something more than that. And
24 that's when I implicated Darryl and Sammy into the Wilson
25 case.

1 MR. ZIEGLER: Why?

2 MR. WILLIAMS: Out of fear. Stupidious really.

3 And they weren't going to take -- they didn't go for it
4 then. They didn't want to do anything to the case. But
5 when I implicated myself, that's when they wanted to do the
6 case. Before they weren't going to do anything. When I
7 implicated myself and putting myself into a scene of the
8 murder, that's when they decided to go do the investigation,
9 witnesses. They allowed me to bring them witnesses and --
10 what's her name -- two witnesses out of the drink house.

11 MR. ZIEGLER: So you brought them witnesses?

12 MR. WILLIAMS: Yeah. The -- they said -- and
13 pushed for it. They said I took them to the drink house get
14 witnesses. Wrong because the drink house was closed. It
15 was never there. It was gone. But they said I took them to
16 the drink house. No, they went to the drink house, but it
17 wasn't the one that the Arthur Wilson stuff started from.
18 But in their report, they said I took them there. I
19 couldn't have because the house wasn't there.

20 MR. ZIEGLER: Okay. Let's come back to that in a
21 second. I want to go back to where --

22 MR. WILLIAMS: Okay.

23 MR. ZIEGLER: -- you're in the car. If I misstate
24 anything, correct me.

25 MR. WILLIAMS: Uh-huh.

1 MR. ZIEGLER: But I think you just said they asked
2 you about Deborah Sykes.

3 MR. WILLIAMS: Uh-huh.

4 MR. ZIEGLER: And you said you did not know about
5 it. And then they said what?

6 MR. WILLIAMS: I should know something. I better
7 know something. And that's the night I started talking
8 about the Arthur Wilson case --

9 MR. ZIEGLER: Okay.

10 MR. WILLIAMS: -- and I --

11 MR. ZIEGLER: What made you talk about the Arthur
12 Wilson case when they asked about Deborah Sykes case?

13 MR. WILLIAMS: If I could answer that one, I
14 would. I couldn't. I just --

15 MR. ZIEGLER: How did you even know the Arthur
16 Wilson case was a thing?

17 MR. WILLIAMS: Because we had just -- it wasn't
18 too long before people were talking about it. Because it's
19 like election time coming up and people are rehearsing
20 different things about murders happening in the community
21 and nothing was solved about it. And I just jumped on the
22 bandwagon and started talking.

23 MR. ZIEGLER: Why did you use Sammy Mitchell's
24 name?

25 MR. WILLIAMS: Because I know they were the most

1 hated people and that --

2 MR. ZIEGLER: Why did you use Darryl Hunt's name?

3 MR. WILLIAMS: Same way, nobody liked the dude.

4 They were -- not because they were, I guess, drunks or
5 anything. Because they -- they just look at things
6 different. When they come to the drink house, they're all
7 right until they get drunk. When they get drunk, that's
8 when they have problems.

9 MR. ZIEGLER: So you just called them "the most
10 hated people." Why were they the most hated people?

11 MR. WILLIAMS: Well, they --

12 MR. ZIEGLER: Who hated them?

13 MR. WILLIAMS: Most people in a drunk house and
14 they get -- when they get drunk, they want them to buy
15 drinks for them or they'll start trouble. And so while
16 they're in the house --

17 MR. ZIEGLER: And when you say "they," who are you
18 talking about?

19 MR. WILLIAMS: People in the liquor house.

20 MR. ZIEGLER: Okay.

21 MS. TANNER: So Sammy and Darryl would get mad and
22 want people to buy drinks for them?

23 MR. WILLIAMS: Yeah. That's -- that was the
24 biggest thing and a lot of them -- wanting people to buy
25 drinks. They had card games in there and food and stuff.

1 MR. ZIEGLER: That was a regular occurrence?

2 MR. WILLIAMS: Well, they have nights where they
3 have a card game and people go in and play cards or -- and
4 they'd be to drinking. They just -- I guess -- they would
5 be -- 'cause as long as they're not drinking, they're all
6 right. But when they start drinking, they change, they
7 become another person.

8 MS. TANNER: And who are you talking about when
9 you say "they"?

10 MR. WILLIAMS: Most people that frequent that
11 liquor house.

12 MS. TANNER: Okay. How about Sammy and Darryl,
13 what were they like when they started drinking?

14 MR. WILLIAMS: Wild. Really wild.

15 MS. TANNER: Okay.

16 MR. WILLIAMS: Anything goes with them when they
17 start drinking.

18 MS. TANNER: Was it their expectation that people
19 buy them drinks?

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: Okay.

22 MR. ZIEGLER: And how would that go over if
23 someone did not buy them drinks?

24 MR. WILLIAMS: They'd get mad and start talking
25 junk, cursing. They might do pushing and shoving, but they

1 never just jumped on anybody and beat them up.

2 MR. ZIEGLER: Okay. So I'm going to go back to
3 that conversation in the police car again. They ask about
4 Sykes and you start talking about Wilson. A few minutes
5 ago, you told me that you were friends, something like
6 friends with Sammy Mitchell.

7 MR. WILLIAMS: Yeah. But my only way out of the
8 -- I'll try to explain it to you from the top.

9 I implicated myself in that murder because I was
10 trying to get away from the Mary Smith murder. At first, I
11 didn't understand the charges. They were going to try to
12 charge me with murder. So my only way out was to come up
13 with something. And when I did that, they weren't going to
14 do anything with that.

15 MR. ZIEGLER: Weren't going to do anything with
16 what?

17 MR. WILLIAMS: With Arthur Wilson. But while I
18 was in the car, when I implicated myself into it, I said,
19 Okay. I was there, too. I helped them do it.

20 MR. ZIEGLER: Okay.

21 MR. WILLIAMS: That's when they started wanting
22 me --

23 MR. ZIEGLER: Before you even put yourself in it,
24 you put Sammy Mitchell --

25 MR. WILLIAMS: Uh-huh.

1 MR. ZIEGLER: -- and Darryl Hunt --

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: -- into a murder with the death
4 penalty on the table. But they were your friends.

5 MR. WILLIAMS: Not -- not the kind of friends you
6 would think. Not like that. Not close.

7 MR. ZIEGLER: I mean you just told me you had no
8 problem with them. I'm just trying to understand this.

9 MR. WILLIAMS: I wish I could understand it, too.
10 It happened. I have no -- I've beat my head for years
11 figuring out why did I even implicated them in the murder
12 and myself 'cause I could have still been free.

13 MS. MATOIAN: Can I ask a question? You said a
14 few minutes ago that you were concerned when the police were
15 talking to you about the Mary Smith murder because she's
16 Caucasian, correct?

17 MR. WILLIAMS: Uh-huh.

18 MS. MATOIAN: And you said you were concerned
19 about it because you knew what happened to Darryl Hunt in
20 the Deborah Sykes case; is that correct?

21 MR. WILLIAMS: Yes, ma'am.

22 MS. MATOIAN: And your solution to that was to put
23 Darryl Hunt in another murder?

24 MR. WILLIAMS: Well, my solution was getting
25 myself out of that one. And the only thing left was what

1 everybody talked about for years was with that murder. And,
2 you know, I implicated him.

3 MS. MATOIAN: That you decided to use him --

4 MR. WILLIAMS: And Sammy.

5 MS. MATOIAN: -- in another murder?

6 MR. WILLIAMS: Yes.

7 MR. ZIEGLER: I want to go back to something you
8 just said a minute ago. You said you were trying to get
9 yourself out of the Mary Smith case --

10 MR. WILLIAMS: Uh-huh.

11 MR. ZIEGLER: -- which was a manslaughter, at
12 least ultimately was a manslaughter.

13 MR. WILLIAMS: Yeah. It came down to a
14 manslaughter.

15 MR. ZIEGLER: But your idea to get out of that was
16 to put yourself into a murder?

17 MR. WILLIAMS: No. At first I wasn't going to put
18 myself in that murder. But in order to get everything off
19 me, that's the only way it seemed possible to get away with
20 it and --

21 MR. ZIEGLER: Why did --

22 MR. WILLIAMS: -- that's what I did.

23 MR. ZIEGLER: Why did you think that adding
24 another murder would help you get out of stuff?

25 MR. WILLIAMS: I can't say. I tried for years to

1 understand that, my logical thinking when that happened
2 ain't right. I couldn't figure it out at all.

3 MR. ZIEGLER: Were you being treated for any of
4 your mental health diagnoses at that point in time?

5 MR. WILLIAMS: No. I had been off medication for
6 -- phew. I had been off medication -- when I got out of
7 prison, I didn't follow up my medication at all.

8 MR. ZIEGLER: And when did you get out of prison?

9 MR. WILLIAMS: Right before Christmas or right
10 after Christmas after this --

11 MR. ZIEGLER: Of what -- of what year?

12 MR. WILLIAMS: I think it was '85.

13 MR. ZIEGLER: Okay.

14 MR. WILLIAMS: I think it was '85 when I got out.

15 MR. ZIEGLER: So after that conversation in the
16 car -- how did that conversation end?

17 MR. WILLIAMS: You mean end --

18 MR. ZIEGLER: That first time you talked to police
19 about Arthur Wilson.

20 MR. WILLIAMS: They still were a little skeptical
21 and then I end up --

22 MR. ZIEGLER: What makes --

23 MR. WILLIAMS: -- going to jail.

24 MR. ZIEGLER: What makes you say they were
25 skeptical?

1 MR. WILLIAMS: Because at first when I didn't put
2 myself in it, they were skeptical. But when I included
3 myself in it, that's when they felt they had a -- a case.

4 MR. ZIEGLER: Did you put yourself in it during
5 that same conversation?

6 MR. WILLIAMS: Yes, I did.

7 MR. ZIEGLER: Okay. And what -- what was said at
8 the end of that conversation where they take you --

9 MR. WILLIAMS: We went to the jailhouse and got
10 questioned some more. They had things that they knew about
11 him, they asked me about him. And so I just kept -- the
12 more I talked the deeper the hole got because the statements
13 were -- there were a lot of different statements. And they
14 kept going, kept going until things started to fit into more
15 of a complete story.

16 MR. ZIEGLER: When you say "a lot of statements,"
17 are you talking about statements that you made?

18 MR. WILLIAMS: Yeah.

19 MR. ZIEGLER: Okay. Were those statements at
20 different times?

21 MR. WILLIAMS: Some of them were.

22 MR. ZIEGLER: Different days?

23 MR. WILLIAMS: Uh-huh.

24 MR. ZIEGLER: Okay. There was one -- one time
25 when the police were talking to you in the jail and I

1 believe -- I'm going to pull this out. This is when you put
2 Sammy Mitchell and Darryl Hunt into this crime.

3 MR. WILLIAMS: Uh-huh.

4 MR. ZIEGLER: What do you remember saying about
5 that. When you first put their names up, what do you recall
6 telling police?

7 MR. WILLIAMS: I can't remember exactly, it was so
8 long ago. I just told them that the three of us had decided
9 to rob Arthur Wilson, and saying somebody was beating him
10 with an ax handle. I -- I think I told them myself beat him
11 with the ax handle while we were robbing him.

12 MR. ZIEGLER: Okay. Stop right there. I want to
13 ask you about that. Why did you mention an ax handle?

14 MR. WILLIAMS: Because when they were talking to
15 me before, it got going, they said, Well, who hit Mr. Wilson
16 in the head? And when they said that, that gave me the idea
17 of the ax handle that we had at the house. But that ax
18 handle wasn't ours. We didn't -- it never was a part of the
19 murder.

20 MR. ZIEGLER: Did you know Mr. Wilson had been hit
21 in the head?

22 MR. WILLIAMS: No. I hadn't known it until they
23 said something. I hadn't known how -- didn't even know how
24 he died.

25 MR. ZIEGLER: That question was the first time you

1 learned it?

2 MR. WILLIAMS: Uh-huh.

3 MS. TANNER: "They" who?

4 MR. WILLIAMS: Police. And I think that was the
5 first time I knew he got hit.

6 MR. ZIEGLER: And why did you have an ax handle at
7 your house?

8 MR. WILLIAMS: That ax handle was there when we
9 moved in. It was to -- to do -- you know those little
10 potbelly stoves you have in your house, woodstoves?

11 MR. ZIEGLER: Uh-huh.

12 MR. WILLIAMS: It was used -- because -- and that
13 was charcoal -- to use -- to turn the stuff and it was in
14 the house.

15 MR. ZIEGLER: Was that ax handle burnt with
16 charcoal?

17 MR. WILLIAMS: It was. We cleaned it off because
18 we kept it in the house.

19 MR. ZIEGLER: Okay. And you said it was there
20 when you moved in?

21 MR. WILLIAMS: Uh-huh.

22 MR. ZIEGLER: Okay. Do you recall telling the
23 police that Thomas Thompson gave the ax handle to you?

24 MR. WILLIAMS: Yeah.

25 MR. ZIEGLER: Why bring him into it?

1 MR. WILLIAMS: Because he's -- that house that we
2 moved -- that little apartment, he was there before we was
3 and he left us with that. He left the stove in there, ax
4 handle, full lamp shades that were old, and quite a few more
5 other stuff he left in the house.

6 MR. ZIEGLER: Okay. But at this point, you just
7 told police that was a murder weapon. And then you put
8 Thomas Thompson in as having that murder weapon.

9 MR. WILLIAMS: Uh-huh.

10 MR. ZIEGLER: Why?

11 MR. WILLIAMS: You ask me why and I -- even up to
12 this day I still can't understand why that happened, why I
13 did that.

14 MR. ZIEGLER: Who's Thomas Thompson?

15 MR. WILLIAMS: Mattie Mae's brother.

16 MR. ZIEGLER: What did you think of him?

17 MR. WILLIAMS: I didn't like him at all.

18 MR. ZIEGLER: Why not?

19 MR. WILLIAMS: He wasn't right. I couldn't stand
20 him.

21 MR. ZIEGLER: Why not?

22 MR. WILLIAMS: He just -- just do things he had no
23 business doing. You know, just -- if I could ask the
24 question why I put myself in these murders, I -- I could
25 surely tell you, but I don't know why.

1 MR. ZIEGLER: Do you recall telling police how you
2 remembered the date that Arthur Wilson was killed?

3 MR. WILLIAMS: Uh-uh. I don't remember that.

4 MR. ZIEGLER: Do you recall telling them or if I
5 tell you that you told them "Mattie Mae ate some bad potato
6 salad and lost the baby"?

7 MR. WILLIAMS: No. I can tell you that. No.

8 MR. ZIEGLER: Okay. I'm going to show you this
9 report, which we will call Number --

10 MS. MATOIAN: 44.

11 MR. ZIEGLER: -- 44.

12 (Exhibit Number 44 was introduced.)

13 MR. ZIEGLER: This is a report of an interview
14 police did with you on the 9th of April 1986. And if you
15 would look at the very bottom paragraph on that first page,
16 which is Bates stamped number 71, and that paragraph
17 continues onto the next page, just read that paragraph.

18 MS. TANNER: Mr. Williams, can you read?

19 MR. WILLIAMS: Uh-huh.

20 MS. TANNER: Okay.

21 MR. WILLIAMS: The last paragraph right here?

22 MR. ZIEGLER: It starts with "Drayton stated."

23 MR. WILLIAMS: Okay. Okay. "Drayton stated that
24 his wife, Mattie Davis, has been a witness to this incident.
25 He also said that Sammy should have gotten the ax handle --

1 also said that Sammy Mitchell should have gotten (sic) the
2 ax handle to Thomas Thompson to keep for him." No.

3 MR. ZIEGLER: And when you say "No," what are you
4 saying no about?

5 MR. WILLIAMS: Uh-uh. Okay. He said, "He also
6 said that Sammy had gotten (sic) the ax handle to Thomas to
7 keep for him." No.

8 MR. ZIEGLER: I believe that's supposed to say
9 "Sammy Mitchell gave the ax handle to Thomas Thompson." To
10 your knowledge, is -- did that happen?

11 MR. WILLIAMS: No.

12 MR. ZIEGLER: Did you tell police that?

13 MR. WILLIAMS: No. I know better than that. No.

14 MR. ZIEGLER: Okay. The next sentence says:

15 "Thomas Thompson is the brother-in-law of
16 Drayton's wife Mattie Drayton."

17 MR. WILLIAMS: Uh-huh.

18 MR. ZIEGLER: We've already said that.

19 MR. WILLIAMS: Uh-huh.

20 MR. ZIEGLER: Were you ever officially married?

21 MR. WILLIAMS: No.

22 MR. ZIEGLER: Okay.

23 MR. WILLIAMS: They use that.

24 MR. ZIEGLER: And the -- I'm just going to
25 continue reading.

1 "Drayton said the last time he saw the ax handle
2 was in a blue house on 26th Street and Claremont."

3 Do you remember telling that to police?

4 MR. WILLIAMS: I hate to tell you, no.

5 MR. ZIEGLER: Do you know anything about a blue
6 house on 26th Street and Claremont?

7 MR. WILLIAMS: When I got out of prison, Mattie
8 Mae was living on Claremont with her mother. But I don't
9 know it was blue.

10 MR. ZIEGLER: Is it possible that that was this
11 house?

12 MR. WILLIAMS: It could have been.

13 MR. ZIEGLER: Okay. I'm going to continue reading
14 from there.

15 MR. WILLIAMS: Okay.

16 MR. ZIEGLER: "Drayton said that he remembered the
17 day" -- this is now on the next page, 72 -- "he remembered
18 the date because his wife had eaten potato salad which had
19 made her very sick and caused her to lose her baby."

20 MR. WILLIAMS: No. She couldn't get pregnant
21 anyway.

22 MR. ZIEGLER: Okay. My first question is: Did
23 that happen?

24 MR. WILLIAMS: No.

25 MR. ZIEGLER: Do you -- do you recall Mattie Mae

1 being pregnant and miscarrying a baby?

2 MR. WILLIAMS: No. Because she can't. She can't
3 couldn't get pregnant, so...

4 MR. ZIEGLER: Did you tell that to police?

5 MR. WILLIAMS: No.

6 MR. ZIEGLER: Continuing on:

7 "Drayton also said that he and his wife had been
8 in the drink house and heard an argument between Mitchell
9 and the victim."

10 The first question is: Is that sentence true?

11 MR. WILLIAMS: No, sir.

12 MR. ZIEGLER: The second question is: Did you
13 tell that to police, that you and Mattie Mae were in the
14 drink house and heard an argument between Sammy Mitchell and
15 Arthur Wilson?

16 MR. WILLIAMS: No. I know that ain't true.

17 MR. ZIEGLER: Did --

18 MR. WILLIAMS: They had it in there, but that
19 ain't true.

20 MR. ZIEGLER: Did you tell police that you and
21 Mattie Mae were at the drink house that night?

22 MR. WILLIAMS: Yeah.

23 MR. ZIEGLER: Okay. Why would you bring Mattie
24 Mae into it?

25 MR. WILLIAMS: Well, I don't know if they had it

1 in here or not. They brought Mattie Mae to the jail and
2 they took us to a room, put us in there together. And --

3 MR. ZIEGLER: Is this before or after you said
4 that the two of you were at the house that night?

5 MR. WILLIAMS: I can't remember if it was before
6 or after. And the thing was, once we got together, our
7 stories had to match. And we stayed together in a room with
8 nobody in there, just me and her, and we went over the whole
9 thing together.

10 MR. ZIEGLER: Why do you say your stories had to
11 match?

12 MR. WILLIAMS: Well --

13 MR. ZIEGLER: Did anybody tell you that?

14 MR. WILLIAMS: Yep. They said she had to
15 collaborate my story.

16 MR. ZIEGLER: When you say "they," who said that?

17 MR. WILLIAMS: The police, the detectives.

18 MR. ZIEGLER: Okay. Tell me about that.

19 MR. WILLIAMS: Okay. It took me -- I think it was
20 -- I don't know if it was in that police department or
21 someplace else, but they put me in a room, I guess about as
22 big as that hallway right there, with a chair. And after I
23 got there, they brought her in. She came in and sat down
24 and we start -- started talking about the murder. And --

25 MR. ZIEGLER: Now, is it just the two of you in

1 this room?

2 MR. WILLIAMS: Just the two of us, nobody else.

3 MR. ZIEGLER: Was the door open?

4 MR. WILLIAMS: Nope. The door was locked.

5 MR. ZIEGLER: Okay.

6 MR. WILLIAMS: I wasn't even shackled. And we
7 talked till everything -- we went over everything that
8 supposed to have happened.

9 MR. ZIEGLER: Okay. Tell me about that
10 conversation.

11 MR. WILLIAMS: She's supposed to go along with my
12 story. I had to tell her exactly what I had told the
13 police. But the thing was, she didn't really want to do it,
14 and then she decided to do it.

15 MR. ZIEGLER: What did she tell you about not
16 wanting to do it?

17 MR. WILLIAMS: She said, I don't want to do it
18 because you -- you didn't do it and they didn't do it. She
19 said, Just be better to let it go.

20 But then after a while, she decided to -- she
21 said, If that's what you want to do, it's on you. And I did
22 it. So she started telling the same thing I told her. And
23 we went --

24 MR. ZIEGLER: Did you -- go ahead.

25 MR. WILLIAMS: -- they took -- they took us over

1 there. We went to Claremont and that's when we got the
2 other two witnesses.

3 MR. ZIEGLER: Did you tell her what to say?

4 MR. WILLIAMS: Yes. Some of it.

5 MR. ZIEGLER: And why would she decide to go along
6 with that?

7 MR. WILLIAMS: Because she thought I'd actually
8 get out of it all together. This was kinda of -- I just
9 told her or had her believing that I would come out of it,
10 and so she went along with me. We did the whole story
11 together.

12 MR. ZIEGLER: What was your relationship with
13 Mattie Mae like at that time?

14 MR. WILLIAMS: It was -- I guess it was all right,
15 but we had the one bump we had in the road was we still had
16 a beef with Sammy's brother because he wouldn't -- as soon
17 as I'd leave to go somewhere, he'd show up at the house, and
18 we still had a little beef with that. But all -- other than
19 that --

20 MR. ZIEGLER: Why would he show up at the house?

21 MR. WILLIAMS: He done fell in love with her so
22 much, he had to follow her everywhere she go.

23 MR. ZIEGLER: Are you talking about Mattie Mae?

24 MR. WILLIAMS: Uh-huh.

25 MR. ZIEGLER: Okay. Was she stepping out with

1 Sammy's brother?

2 MR. WILLIAMS: A couple of times.

3 MR. ZIEGLER: And did you know about that?

4 MR. WILLIAMS: Yeah. A couple times I caught
5 them, but I didn't result to violence. I caught them and
6 they didn't even see me and had a pistol. Nothing happened.
7 I just forgot about it.

8 MR. ZIEGLER: And this was before --

9 MR. WILLIAMS: Yeah. This was before.

10 MR. ZIEGLER: -- you had this conversation with --

11 MR. WILLIAMS: Yeah. This was a couple of months
12 before that. But it just was starting then. When I had got
13 out of prison, I had to go get Mattie Mae. And I had to go
14 get -- when I got her, I had to go get her from his house.
15 And I went to his house and got her myself.

16 MS. TANNER: Got out of prison for what?

17 MR. WILLIAMS: Burning -- burning that house.

18 MR. ZIEGLER: So I want to go back to that
19 conversation that you had that you just described about
20 getting your story straight with Mattie Mae. What happened
21 next after that? And I'm talking like immediately after,
22 the same day. You're locked in this room together --

23 MR. WILLIAMS: I can't remember exactly.

24 MR. ZIEGLER: -- you decide what to say. What
25 happened with that?

1 MR. WILLIAMS: I can't remember the same day. It
2 was so long ago, I just can't remember. I wish I could.

3 MR. ZIEGLER: I understand.

4 MR. WILLIAMS: I do know -- I don't know if it's
5 the same day or after. I do know that she went with the
6 police and I went with police in separate cars.

7 MR. ZIEGLER: Even before then. Do you remember
8 what you told police after you and Mattie Mae had that
9 conversation in that room?

10 MR. WILLIAMS: Uh-uh. No, sir.

11 MR. ZIEGLER: Okay. All right. Now -- now you
12 were telling me about something that might be the same day
13 or might be a different day. As -- as I understand what
14 you're telling me, you went with separate cars. Tell me
15 about that.

16 MR. WILLIAMS: We went down to Claremont and we
17 went -- we didn't mark the house. There was the house --
18 there was a house across from that mark.

19 MS. TANNER: Hold on. We'll get that out. Are we
20 talking about Exhibit 42?

21 MR. WILLIAMS: Yes, ma'am.

22 MS. TANNER: Okay. We're going to go back to
23 Exhibit 42. What house are we talking about?

24 MR. WILLIAMS: Okay.

25 MS. TANNER: The drink house?

1 MR. WILLIAMS: Is here.

2 MS. TANNER: So this black "X" is the drink house.

3 MR. WILLIAMS: Now, this was supposed to be the
4 house that some witness came out of, but they thought it was
5 this house because they took me to this house.

6 MS. TANNER: Who?

7 MR. WILLIAMS: Detective. They said, This is the
8 house that it happened out of.

9 MS. TANNER: Okay. So I'm going to give you a
10 pen.

11 MR. WILLIAMS: Uh-huh.

12 MS. TANNER: So after you are in a room with
13 Mattie Mae Davis, we're talking about a time where you and
14 Mattie Mae are in two separate cars and you've gone down to
15 what is the scene of the crime?

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: And what you're going to mark for me
18 on Exhibit 42 is the house that detectives thought the
19 witnesses were. Okay.

20 MR. WILLIAMS: That's --

21 MS. TANNER: And this is the "X" across from what
22 we've marked as the black "X".

23 MR. WILLIAMS: Uh-huh.

24 MS. TANNER: Okay.

25 MR. ZIEGLER: Can you put a circle around that "X"

1 just so we can tell it apart?

2 MS. TANNER: Good job.

3 MR. ZIEGLER: So you marked the circle "X"

4 where -- the house they took you to?

5 MR. WILLIAMS: Uh-huh.

6 MR. ZIEGLER: Did you know anything about that
7 house?

8 MR. WILLIAMS: No. Because remember, I had just
9 got out of prison.

10 MR. ZIEGLER: Okay.

11 MR. WILLIAMS: And I didn't even know this -- I
12 didn't know this house was gone. This is the house --

13 MR. ZIEGLER: Did you --

14 MR. WILLIAMS: -- we went to.

15 MR. ZIEGLER: What's your understanding of what
16 Ezelle Clowers started to do when his drink house got torn
17 down?

18 MR. WILLIAMS: I didn't have no idea it got torn
19 down.

20 MR. ZIEGLER: Did you ever hear about him
21 operating another drink house?

22 MR. WILLIAMS: Only this one when I got out.

23 MR. ZIEGLER: So you --

24 MS. TANNER: Which one?

25 MR. WILLIAMS: This one.

1 MR. ZIEGLER: So you're pointing to that circle

2 "X" --

3 MR. WILLIAMS: Uh-huh.

4 MR. ZIEGLER: -- that you just drew?

5 MR. WILLIAMS: Uh-huh.

6 MR. ZIEGLER: Are you telling me that that was
7 another drink house operated by Ezelle Clowers?

8 MR. WILLIAMS: Uh-huh.

9 MR. ZIEGLER: Okay. When you say "uh-huh," that's
10 a yes?

11 MR. WILLIAMS: Yes.

12 MR. ZIEGLER: Okay.

13 MR. WILLIAMS: This one is.

14 MR. ZIEGLER: Okay. So when police took you
15 there, you said you were in a separate car from Mattie Mae.

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: Were those two cars together?

18 MR. WILLIAMS: Yeah. Behind each other.

19 MR. ZIEGLER: Okay. So you're -- what happened
20 next then? They take you to that house, then what?

21 MR. WILLIAMS: They stayed in this initial -- this
22 is the house where they came out of. This -- this -- this
23 supposed to have been the house that Ezelle had during that
24 time, but police used this house.

25 MS. TANNER: Okay. So you're saying this black

1 "X" --

2 MR. WILLIAMS: Uh-huh.

3 MS. TANNER: -- is supposed to be the house that
4 Ezelle had during that time?

5 MR. WILLIAMS: During that time.

6 MS. TANNER: But this blue "X" with the circle
7 around it is where police took you?

8 MR. WILLIAMS: Yeah.

9 MS. TANNER: And it was your understanding that
10 police believed --

11 MR. WILLIAMS: Yeah, because that's --

12 MS. TANNER: -- that was the house where Arthur
13 Wilson, Sammy Mitchell --

14 MR. WILLIAMS: They were --

15 MS. TANNER: -- you and whoever else was on the
16 night Arthur Wilson died?

17 MR. WILLIAMS: Uh-huh.

18 MS. TANNER: Okay.

19 MR. ZIEGLER: Was the house that was marked with a
20 black "X", the drink house in 1983, was that house still
21 standing that day when police took you out there?

22 MR. WILLIAMS: I can't remember. I think it was,
23 but it was empty and boarded up if it was.

24 MR. ZIEGLER: Okay.

25 MR. WILLIAMS: But it was -- we went here. Some

1 people came out on the porch and went back in.

2 MR. ZIEGLER: What people?

3 MR. WILLIAMS: Out of the drink house. Just, you
4 know how people come out of the house just mingling around.

5 MR. ZIEGLER: Are you just sitting in the car with
6 the police at this point?

7 MR. WILLIAMS: Yeah. I was sitting in the car
8 with the police and Mattie was in the other car. And next I
9 give them two names of two females that really couldn't
10 stand Sammy and Darryl.

11 MR. ZIEGLER: You gave them two names?

12 MR. WILLIAMS: Yes. And they -- they went to
13 them.

14 MR. ZIEGLER: And what names did you give?

15 MR. WILLIAMS: We called her Big Titty Barb back
16 then, but I can't think of her real name.

17 MR. ZIEGLER: Would that be Barbara Bason?

18 MR. WILLIAMS: Yeah. Barbara Bason.

19 MR. ZIEGLER: Okay.

20 MR. WILLIAMS: And the other one was Williams.

21 MR. ZIEGLER: And do you recall her first name?

22 MR. WILLIAMS: Uh-uh.

23 MR. ZIEGLER: I just want to make sure I'm
24 understanding you correctly.

25 MR. WILLIAMS: Okay.

1 MR. ZIEGLER: Did you see them come out of the
2 drink house?

3 MR. WILLIAMS: Uh-uh. I didn't get to see them.
4 Because what happened, they didn't never show up from here
5 until we went back is when they came -- came out, then the
6 police finally got to them --

7 MR. ZIEGLER: So when you --

8 MR. WILLIAMS: -- start talking to them.

9 MR. ZIEGLER: -- when you pulled up and you're
10 sitting in that car --

11 MR. WILLIAMS: Uh-huh.

12 MR. ZIEGLER: -- and you told them what?

13 MR. WILLIAMS: They asked me about the police.
14 And I said, Well -- I gave the two names.

15 MR. ZIEGLER: How did those names -- tell me about
16 how those names came up.

17 MR. WILLIAMS: Because those two didn't like Sammy
18 or Darryl.

19 MR. ZIEGLER: How do you know they didn't like
20 Sammy or Darryl?

21 MR. WILLIAMS: Those were the one -- he -- they
22 pestered them more than anybody else. They just kept
23 pestering them. They was -- those were a couple of women
24 that just didn't really like them at all.

25 MR. ZIEGLER: But you knew those women?

1 MR. WILLIAMS: Yeah. They were at the drink
2 house. Not like sitting and having a conversation with
3 them. I knew their name and stuff --

4 MR. ZIEGLER: Okay.

5 MR. WILLIAMS: -- and how they felt.

6 MR. ZIEGLER: Have you -- have you seen them in
7 the drink house before?

8 MR. WILLIAMS: Oh, yeah.

9 MR. ZIEGLER: Okay.

10 MR. WILLIAMS: When it was over here.

11 MR. ZIEGLER: Right. Did you -- did you know them
12 from out in the neighborhood other than just being in the
13 drink house?

14 MR. WILLIAMS: No.

15 MR. ZIEGLER: Okay. And what did you -- what
16 names -- like right now you just mentioned Big Titty Barb.

17 MR. WILLIAMS: Uh-huh.

18 MR. ZIEGLER: Did you say Big Titty Barb or did
19 you give her --

20 MR. WILLIAMS: Big Titty Barb.

21 MR. ZIEGLER: -- like her real name? You said --

22 MR. WILLIAMS: No. I didn't know her name.

23 MR. ZIEGLER: Okay. And what was the other
24 person's name?

25 MR. WILLIAMS: Her last name Williams and I just

1 can't think what her first name was.

2 MS. TANNER: Why did they hate Sammy and Darryl?

3 MR. WILLIAMS: Pestering. Those are -- those are
4 just -- it's just a couple of females they just loved
5 pestering all the time.

6 MS. TANNER: I don't know what pestering means.
7 Can you help me understand that?

8 MR. WILLIAMS: Yeah. They'd come in and -- after
9 they had drank and they'll start picking on them and
10 following them around, hit them on their butts. And so then
11 when they get drunk, it was really on them. They just act
12 up with them. And they just couldn't stand that.

13 MS. TANNER: You mean Sammy and Darryl --

14 MR. WILLIAMS: Uh-huh.

15 MS. TANNER: -- couldn't stand that?

16 MR. WILLIAMS: No. The women couldn't stand it.

17 MS. TANNER: Oh, Sammy and Darryl were pestering
18 the women --

19 MR. WILLIAMS: Yeah. Yeah. They didn't --

20 MS. TANNER: -- hitting them on their butts?

21 MR. WILLIAMS: -- like that. Yeah. And acting --
22 they didn't like that.

23 MS. TANNER: And Big Titty Barb and Williams
24 didn't like that?

25 MR. WILLIAMS: Not at all.

1 MS. TANNER: Okay.

2 MS. MATOIAN: And you gave those names on purpose?

3 MR. WILLIAMS: Yes.

4 MR. ZIEGLER: What happened after you gave them
5 those names?

6 MR. WILLIAMS: I don't know when they interviewed
7 them, but they went and interviewed them.

8 MR. ZIEGLER: Okay. What -- I'm talking about
9 when you were there, you're still sitting in that car.

10 MR. WILLIAMS: Nothing. We just -- it was --

11 MR. ZIEGLER: What did -- what did you say? I
12 mean you didn't just say --

13 MR. WILLIAMS: No. They just --

14 MR. ZIEGLER: -- Big Titty Barb and they say what
15 the hell are you talking about.

16 MR. WILLIAMS: Actually, when we got there, they
17 wanted me to take them to the Ezelle drink house. Well,
18 since I was in prison, I had -- I didn't know that he closed
19 that down. So I took them to Ezelle drink house. That's
20 the one I knew after I got out of prison.

21 MR. ZIEGLER: Okay.

22 MR. WILLIAMS: And this is the one that they used
23 in their investigation, this one, not that one, because they
24 felt it was this, 'cause I said --

25 MR. ZIEGLER: Okay.

1 MR. WILLIAMS: -- I'll take you to the house and I
2 took them to that house.

3 MR. ZIEGLER: Right.

4 MR. WILLIAMS: And that's the house they put it in
5 the report.

6 MR. ZIEGLER: But I'm talking about when you
7 brought these names up. How did those names come up? You
8 didn't just say two names without any context to them.

9 MR. WILLIAMS: No. They said, Well, do you think
10 you can find any witnesses? I said, Well, just ask Big
11 Titty Barb. They the one that don't like them. And they
12 wrote it down. And we stayed for about ten minutes. They
13 started looking around and then we left. And we went back
14 and we came up here. And then we went up that way.

15 MR. ZIEGLER: And you're pointing --

16 MR. WILLIAMS: We -- we went out --

17 MR. ZIEGLER: Okay.

18 MR. WILLIAMS: -- back this way and got back here
19 and come back up here.

20 MS. TANNER: This is with the police?

21 MR. WILLIAMS: Uh-huh.

22 MR. ZIEGLER: Okay.

23 MS. TANNER: And you went towards 19th Street on
24 Claremont --

25 MR. WILLIAMS: Claremont and then --

1 MS. TANNER: -- and came up --

2 MR. WILLIAMS: -- back here.

3 MS. TANNER: -- to what is labeled on this as
4 North Cleveland Avenue?

5 MR. WILLIAMS: Uh-huh. And we went back --

6 MS. TANNER: And came down New Hope -- what is
7 labeled on here --

8 MR. WILLIAMS: Yeah.

9 MS. TANNER: -- as New Hope Road?

10 MR. WILLIAMS: Yep. And just --

11 MS. TANNER: Why?

12 MR. WILLIAMS: I don't know. They just came back
13 that way and they just started driving slow going back.

14 MS. TANNER: Going back where?

15 MR. WILLIAMS: Going back this way. And then we
16 got back to where you get back on -- is that Martin Luther
17 King? I think they named it Martin Luther King Boulevard --

18 MS. TANNER: Okay.

19 MR. ZIEGLER: Did you ever talk about --

20 MR. WILLIAMS: -- and got back on --

21 MR. ZIEGLER: -- during that car ride, did you
22 ever talk about where the murder happened?

23 MR. WILLIAMS: Actually, I didn't know. Mattie
24 Mae was in the car behind us. And that car behind us slowed
25 down. They -- I couldn't slow down -- somewhere up in here.

1 MS. TANNER: So this is Claremont here?

2 MR. WILLIAMS: Uh-huh.

3 MS. TANNER: We come up, on this Exhibit 42, New
4 Hope Lane, and you're pointing to Claremont between New Hope
5 Lane and 17th Street --

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: -- and you're saying Mattie Mae's car
8 slowed down.

9 MR. WILLIAMS: They -- the car slowed down about
10 right in there.

11 MS. TANNER: How about the car you were in?

12 MR. WILLIAMS: We just -- we were just -- not
13 going fast, just going right along. We didn't stop at all.

14 MS. TANNER: Was there any conversation when you
15 made this trip that you've described for us now?

16 MR. WILLIAMS: No. 'Cause I didn't even know
17 where it happened.

18 MS. TANNER: Where what happened?

19 MR. WILLIAMS: When Mr. -- when Mr. Wilson got
20 killed. I didn't even know.

21 MS. TANNER: Okay. So other than telling them
22 about Big Titty Barb and Patricia -- and Williams, you
23 didn't tell them about anything else --

24 MR. WILLIAMS: Uh-uh.

25 MS. TANNER: -- in this drive? Okay.

1 MR. ZIEGLER: Did you ever tell them where
2 Mr. Wilson got killed?

3 MR. WILLIAMS: Not exactly. I didn't know. They
4 kept hammering away. 'Cause we did more than one trip out
5 -- out there, but it was all at night.

6 MR. ZIEGLER: You did more than one trip?

7 MR. WILLIAMS: Yeah.

8 MR. ZIEGLER: Were those trips on different days?

9 MR. WILLIAMS: Yeah. It was different days.

10 MS. TANNER: Back when you were going to the drink
11 house in 1983 when the drink house was this black "X" --

12 MR. WILLIAMS: Uh-huh.

13 MS. TANNER: -- here on Exhibit 42 and it was
14 open --

15 MR. WILLIAMS: Uh-huh.

16 MS. TANNER: -- was there a park down the way?

17 MR. WILLIAMS: A park?

18 MS. TANNER: Uh-huh.

19 MR. WILLIAMS: Way down here someplace.

20 MS. TANNER: You're pointing almost to 17th Street
21 on Claremont?

22 MR. WILLIAMS: Yeah. Way down there.

23 MS. TANNER: What was it like?

24 MR. WILLIAMS: Basketball courts. That's all I
25 can remember, some basketball courts. That's it.

1 MS. TANNER: Did you and Mattie Mae walk down to
2 the park?

3 MR. WILLIAMS: No.

4 MS. TANNER: Okay.

5 MR. WILLIAMS: No. I didn't like going in that
6 way.

7 MS. TANNER: Why?

8 MR. WILLIAMS: That -- that's -- wasn't nothing
9 down there. It was a dead end for us. Anybody -- if you're
10 drinking anything -- most people that drank never went down
11 corner further than right here.

12 MS. TANNER: Why?

13 MR. WILLIAMS: That's what they said, was nothing
14 down there. Nothing to do. It was just a boring place.

15 MS. TANNER: Okay.

16 MR. ZIEGLER: Do you know anything about a snake
17 lady?

18 MR. WILLIAMS: That lady drive the bus. She
19 drives city bus for a while.

20 MR. ZIEGLER: Why is she called the snake lady?

21 MR. WILLIAMS: Because in her purse she carries --
22 not a purse but in a tote bag, she had a python about as big
23 as my wrist in it.

24 MR. ZIEGLER: Okay. A live python?

25 MR. WILLIAMS: Yeah.

1 MR. ZIEGLER: Okay.

2 MR. WILLIAMS: She had a couple of them.

3 MR. ZIEGLER: Did you know any -- do you know
4 anything about any houses down there where you could get
5 some cocaine?

6 MR. WILLIAMS: No.

7 MR. ZIEGLER: Were you using cocaine back then?

8 MR. WILLIAMS: No. Never -- believe it or not, to
9 this day I've never seen cocaine. If you put it on the
10 table, you'd have to tell me what it is.

11 MR. ZIEGLER: Did you know about any houses down
12 that side of the street?

13 MR. WILLIAMS: No.

14 MR. ZIEGLER: Okay.

15 MR. WILLIAMS: I just knew about her. I -- I knew
16 she had liquor house going and I never went in there.

17 MR. ZIEGLER: Okay. Mr. Williams, I'm going to
18 show you what I have marked as Number 45.

19 (Exhibit Number 45 was introduced.)

20 MR. WILLIAMS: Uh-huh.

21 MR. ZIEGLER: This is a police report from April
22 11, 1986. It's several pages, but I am going to turn it and
23 turn your attention to Bates stamped page 55. And just
24 follow along with me at the very top where it says:

25 "Merritt Drayton, Sergeant McCoy, and Detective

1 Weavil went to the area where the assault had occurred."

2 That sounds like maybe what you were just
3 describing.

4 MR. WILLIAMS: Uh-huh.

5 MR. ZIEGLER: "Drayton pointed out a residence at
6 1720 Claremont Avenue. Drayton stated that the assault
7 occurred in the street almost in front of 1720 Claremont
8 Avenue."

9 MR. WILLIAMS: Uh-uh. I don't even know where
10 1720 at.

11 MR. ZIEGLER: Did that happen?

12 MR. WILLIAMS: No.

13 MR. ZIEGLER: Did you ever point out any spot in
14 the street?

15 MR. WILLIAMS: Nope.

16 MR. ZIEGLER: Did you ever point out any house
17 where the assault happened?

18 MR. WILLIAMS: No. No, not at all.

19 MR. ZIEGLER: After you -- that same day when
20 you're out there by the drink house --

21 MR. WILLIAMS: Uh-huh.

22 MR. ZIEGLER: -- and you circle the block you told
23 us about, what happened after that?

24 MR. WILLIAMS: What happened after we left the
25 drink house that night?

1 MR. ZIEGLER: Not -- when you were there with
2 police it was nighttime?

3 MR. WILLIAMS: Uh-huh.

4 MR. ZIEGLER: Okay. Yeah.

5 MR. WILLIAMS: Middle of the night.

6 MR. ZIEGLER: Then -- okay. Then after you left
7 that night.

8 MR. WILLIAMS: I can't remember going back to
9 jail.

10 MR. ZIEGLER: Do you remember signing any written
11 statements that day?

12 MR. WILLIAMS: Yeah. They had me sign a bunch of
13 statements. They'd recorrect some stuff in it and mark some
14 stuff and had me sign it.

15 MR. ZIEGLER: Who wrote those statements?

16 MR. WILLIAMS: I don't know who wrote them.

17 MR. ZIEGLER: Did you write them?

18 MR. WILLIAMS: No.

19 MR. ZIEGLER: Did you read them before you signed
20 them?

21 MR. WILLIAMS: No, sir. I just signed them. He
22 said -- he mark like the little correction was made and then
23 he said sign it. I just signed it.

24 MS. TANNER: What correct was made?

25 MR. WILLIAMS: Like if something was supposed to

1 be added in or taken out, I had to look at his. He said,
2 Well, I'm doing this, doing that.

3 MS. TANNER: When you talked to police, explain
4 the process to me. When did the statement happen?

5 MR. WILLIAMS: It happened after we got to the
6 police -- back to the police department --

7 MS. TANNER: Okay.

8 MR. WILLIAMS: -- and sat down.

9 MS. TANNER: So was the interviewing happening
10 first and then statements or did you have the statement
11 discussion first and then interviews?

12 MR. WILLIAMS: I did some interviewing first, then
13 a statement, and did some other stuff.

14 MS. TANNER: When you were being interviewed by
15 police -- you know, we've got a recorder here today.

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: Was there a recorder on the table
18 like that then, too?

19 MR. WILLIAMS: I didn't see one. I know I did
20 handwritten stuff first and that, but I didn't see one like
21 that on the table.

22 MS. MATOIAN: You just -- I'm sorry. You said
23 statement and then other stuff would be the third part.
24 What do you mean by "other stuff?"

25 MR. WILLIAMS: Like when they'd have me to redo

1 some of the statement.

2 MS. MATOIAN: Okay.

3 MR. WILLIAMS: But I never seen nothing like that
4 on the table.

5 MS. TANNER: So you would have an interview with
6 them, then you had some handwritten statements, and then you
7 made corrections to those handwritten statements?

8 MR. WILLIAMS: Yes, ma'am.

9 MS. TANNER: Was there ever a time that anything
10 was recorded when you were talking to the police about the
11 Arthur Wilson case?

12 MR. WILLIAMS: I didn't see a recorder.

13 MS. TANNER: You didn't see one?

14 MR. WILLIAMS: No, ma'am.

15 MS. TANNER: Sitting here today, what are the
16 facts as you understand them as to the Arthur Wilson case?

17 MR. WILLIAMS: The thing -- I --

18 MS. TANNER: Uh-huh.

19 MR. WILLIAMS: I confessed to killing Arthur
20 Wilson and implicated other guys in it that was never in it.
21 I should never had even drawn people in it because I didn't
22 even know the murder at all, nothing about the murder, even
23 after reports came out and that were giving me about the
24 crime and stuff. I didn't know none of it. My lawyers
25 would never tell me about a whole of things.

1 MS. TANNER: Okay.

2 MR. WILLIAMS: I found out later.

3 MS. TANNER: So that -- I do appreciate that. But
4 what is it that you understand to have happened to
5 Mr. Wilson?

6 MR. WILLIAMS: When it first happened, they said
7 somebody beat him, beat him, had stomped him to death. And
8 I --

9 MS. TANNER: Who is "they"?

10 MR. WILLIAMS: That's what the police had in their
11 mind that's what happened from an interview of somebody
12 saying they seen it. And I went right along with it. You
13 know, I just implicated myself as being the one that helped
14 stomp and kick him to death.

15 MS. TANNER: Is there any other fact as you
16 understand it about the death of Mr. Wilson besides the fact
17 that he was beaten and stomped to death?

18 MR. WILLIAMS: Yes. He was never beaten or
19 stomped to death. He had one wound that killed him.

20 MS. TANNER: Okay. How did you learn that?

21 MR. WILLIAMS: I learned that from Ms. -- how do
22 you -- Zerwick, Zerwick, Phoebe Zerwick from an interview.
23 In 2004 I was interviewed by her --

24 MS. TANNER: Okay.

25 MR. WILLIAMS: -- twice and she asked me did I

1 know how he died. I said, Well, he was beaten, stomped, and
2 kicked to death.

3 She said, No. She said, You're wrong. She said,
4 That's your statement. She -- she said the man was -- had
5 one place in his head that killed him. She said there's not
6 a scratch on his body.

7 MR. ZIEGLER: And what you're saying now is you
8 did not learn that until you spoke with Ms. Zerwick?

9 MR. WILLIAMS: I didn't know any of it until I got
10 the complete article. She did a two-page -- two-section
11 article. I think the 13th and 14th or the 14th and 15th,
12 she did two-section articles. And she sent me a complete
13 copy of both of them. And I read both of them.

14 MR. ZIEGLER: Okay.

15 MS. TANNER: Mr. Williams, I'm sure Brian is going
16 to show you some more statements, but we've talked a lot
17 today about some statements that police -- reports that
18 police drafted about statements you made.

19 MR. WILLIAMS: Uh-huh.

20 MS. TANNER: What did you tell police about the
21 Arthur Wilson case?

22 MR. WILLIAMS: I told them that Sammy, me, and
23 Darryl robbed Mr. Wilson, and that we beat and stomped him
24 and kicked him to death.

25 MS. TANNER: Did you tell them any other facts

1 about the death of Mr. Wilson?

2 MR. WILLIAMS: No. No, that's it.

3 MS. TANNER: And when you were in a room with
4 Mattie Mae Davis, what was the story that the two of you
5 agreed upon to tell police?

6 MR. WILLIAMS: She was supposed to tell them that
7 I was there and that she was there and she seen it go down.
8 And the idea to her, how I got her to get into it, because
9 she had her kids taken from her. And in her mind, this
10 would help her get her kids back. And that's what basically
11 really made her get on board with it.

12 MR. ZIEGLER: Did she tell you she thought it
13 would help her get her kids back?

14 MR. WILLIAMS: She hinted to me, Would it? I
15 said, Probably would if you help. And that sort of helped
16 her because that was one thing she always wanted.

17 MS. MATOIAN: Did you hear the police tell her
18 that that would help her?

19 MR. WILLIAMS: No.

20 MR. ZIEGLER: Mr. Williams, Beth is right. I do
21 have another statement to show you. This is still
22 Exhibit 45, but we are now looking at page 54 of the Bates
23 stamp number at the bottom. And I want to read -- well,
24 that's my only copy of this. I want to read the part that
25 starts on the fourth line down. Now, this is a report about

1 things that you were telling police --

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: -- on April 11th where it says:

4 "At that time, a car came down 18th Street and a
5 car came down Claremont Avenue. One of the cars stopped and
6 people got out of the car."

7 Did you tell that to police?

8 MR. WILLIAMS: No. Uh-uh.

9 MR. ZIEGLER: Do you know anything about cars?

10 MR. WILLIAMS: Only car that they mentioned when I
11 was giving a statement, they said what did I do when a car
12 headlights hit me when we was beating Mr. Arthur. One
13 car --

14 MR. ZIEGLER: And what did you --

15 MR. WILLIAMS: -- one to two cars.

16 MR. ZIEGLER: What -- so --

17 MR. WILLIAMS: I told them we ran away.

18 MR. ZIEGLER: Okay. I'm going to turn this away
19 right now just because I want to ask what you remember.

20 I believe you just said that you were asked a
21 question, What did you do when the car's headlights hit you?

22 MR. WILLIAMS: Uh-huh.

23 MR. ZIEGLER: Prior to being asked that question,
24 had you said anything about a car?

25 MR. WILLIAMS: No. I didn't know nothing about --

1 actually, I didn't know about that car until they -- they
2 implicated it.

3 MR. ZIEGLER: Okay.

4 MR. WILLIAMS: When they said what -- what
5 happened when the lights came on me.

6 MR. ZIEGLER: Okay. And when you were asked that
7 question about what happened when the lights came on, what
8 did you say?

9 MR. WILLIAMS: I said we took off running.

10 MR. ZIEGLER: Okay. And did you describe where
11 you ran? And I don't expect you to remember those details
12 now, but do you remember giving them a description of where
13 you ran?

14 MR. WILLIAMS: No, sir.

15 MR. ZIEGLER: Okay. If we turn back now to
16 Exhibit 45 and just keep reading on page 54 where I left
17 off, it says:

18 "Drayton stated that he, Sammy Mitchell, and
19 Darryl Hunt ran down 17th Street. The people in the car
20 were chasing them. They cut through the front yard of a
21 house and went across 18th Street and followed a path back
22 to Ezelle's house on Claremont."

23 Did you tell them that? Could you have told them
24 that?

25 MR. WILLIAMS: I don't remember telling them that

1 because --

2 MR. ZIEGLER: Okay. Is it possible?

3 MR. WILLIAMS: I told them we ran to a house and
4 we went through it. But the house they talked about,
5 there's no way to go to Ezelle house because that's going
6 away from that. You couldn't come back to that because it
7 was going in the opposite direction.

8 MR. ZIEGLER: Okay.

9 MR. WILLIAMS: We ran in the opposite direction.
10 That's what I told them.

11 MR. ZIEGLER: The opposite direction of Ezelle's
12 house?

13 MR. WILLIAMS: Uh-huh.

14 MR. ZIEGLER: Okay. Do you remember ever being
15 given a polygraph?

16 MR. WILLIAMS: Yes.

17 MR. ZIEGLER: What do you remember about that?

18 MR. WILLIAMS: They -- he said he just wanted to
19 give me a polygraph that would -- if I passed it, that would
20 help to finish the story out. It would be -- it would wind
21 up, you know, making it a certified statement, a true
22 statement.

23 MR. ZIEGLER: Okay. And do -- do you remember --
24 describe that polygraph test.

25 MR. WILLIAMS: We went in and -- I don't know who

1 gave it to me. Some dude gave it to me and asked me a bunch
2 of questions. And --

3 MR. ZIEGLER: So you were asked questions while
4 you were hooked up to the machine?

5 MR. WILLIAMS: Uh-huh. I was asked a bunch of
6 questions.

7 MR. ZIEGLER: Do you remember the questions that
8 were asked?

9 MR. WILLIAMS: No, sir.

10 MR. ZIEGLER: Do you remember how you answered
11 those questions?

12 MR. WILLIAMS: I can remember answering yes and no
13 to some of them, but I don't remember questions.

14 MR. ZIEGLER: Was it generally about being
15 involved in the death of Arthur Wilson?

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: And at that time, as you were
18 answering the questions, you were telling them that you were
19 involved in the death of Arthur Wilson?

20 MR. WILLIAMS: He was asking me was I involved.

21 MR. ZIEGLER: And what did you say in response?

22 MR. WILLIAMS: Yeah.

23 MR. ZIEGLER: Okay. Do you remember ever being
24 told about the results of that polygraph?

25 MR. WILLIAMS: No.

1 MR. ZIEGLER: Do you remember ever being told that
2 it said you were truthful?

3 MR. WILLIAMS: Uh-uh.

4 MR. ZIEGLER: Okay.

5 MR. WILLIAMS: They didn't tell me, but I asked
6 about it. They said I did good and that was it.

7 MR. ZIEGLER: When you -- we talked a little bit
8 earlier about when you first talked how you said that you
9 mentioned Sammy and Darryl and then later put yourself in.
10 Is that -- is that accurate?

11 MR. WILLIAMS: Yes, sir.

12 MR. ZIEGLER: When you put yourself in, how --
13 what did you say was your involvement?

14 MR. WILLIAMS: I said I was holding him. And then
15 I told them I was hitting him on his hands and stuff with a
16 stick, hitting his head and stuff with a stick.

17 MR. ZIEGLER: Okay. Is there any reason you said
18 you were hitting him in the hands?

19 MR. WILLIAMS: No. I just -- since I said we was
20 beating him to death, I said -- I just used that --

21 MR. ZIEGLER: Is there --

22 MR. WILLIAMS: -- I said that.

23 MR. ZIEGLER: -- any reason you said you were
24 hitting him on the head?

25 MR. WILLIAMS: No.

1 MS. MATOIAN: Mr. Williams, you said that you gave
2 this story to police, like going back to that first
3 statement, because you thought it was going to help you on
4 the Mary Smith case. What gave you the idea it was going to
5 help you?

6 MR. WILLIAMS: I can't -- couldn't understand why
7 I did most of that stuff. I wish I could.

8 MS. MATOIAN: Did somebody tell you that it was
9 going to help you?

10 MR. WILLIAMS: He said -- the reason -- the police
11 said, Well, this could help you down the road if you just
12 tell us what's going on, tell us the truth. And that's when
13 I just went --

14 MS. MATOIAN: That's what --

15 MR. WILLIAMS: -- along with it.

16 MS. MATOIAN: -- they just said this could help.
17 They didn't tell you how it could help you --

18 MR. WILLIAMS: Uh-uh.

19 MS. MATOIAN: -- they didn't make -- did they make
20 you a promise?

21 MR. WILLIAMS: No.

22 MS. MATOIAN: Did they offer you anything --

23 MR. WILLIAMS: No.

24 MS. MATOIAN: -- during those first conversations?

25 MR. ZIEGLER: Do you -- do you remember ever

1 talking about Mr. Williams -- or excuse me, Mr. Wilson being
2 robbed?

3 MR. WILLIAMS: I know they asked me was he robbed
4 and stuff. And at first I told them I don't know. And then
5 I came up with the story -- well, somebody said, Well, he
6 known to carry money. One officer said, Well, he known to
7 carry money with him. And I said, I didn't know, you know.
8 Then just snowballed into other stuff from there.

9 MR. ZIEGLER: Do you know anything about any items
10 that were taken from him?

11 MR. WILLIAMS: No. I know one of the police had
12 said -- he mentioned that, You sure nobody didn't take
13 nothing off from him? And then a watch came into the
14 picture. And then --

15 MR. ZIEGLER: How did a watch come into the
16 picture?

17 MR. WILLIAMS: Because there was some -- he said,
18 Somebody had to take something from him. And the first
19 thing that come to my mind came a watch and I said it. I --

20 MR. ZIEGLER: You -- you mentioned a watch?

21 MR. WILLIAMS: Yeah.

22 MR. ZIEGLER: Did you know whether or not
23 Mr. Wilson had a watch?

24 MR. WILLIAMS: No. (inaudible.) I'd have to know
25 him first.

1 MR. ZIEGLER: So you -- did you ever find out that
2 Mr. Wilson did, in fact, have a watch?

3 MR. WILLIAMS: Uh-huh. I did.

4 MR. ZIEGLER: I'm going to show you what is --
5 what I'm marking as 46, which is a letter that is undated
6 that you wrote. At the top it says "Detective Weasil and
7 Sergeant McCoy." I think that's probably supposed to be
8 Detective Weavil.

9 (Exhibit Number 46 was introduced.)

10 MR. WILLIAMS: Yes.

11 MR. ZIEGLER: And this letter says:

12 "I'm calling concerning Mattie about seeing her
13 and getting clean clothes for court, also for her to get my
14 medication for my heart, also for her to take you to the
15 pawn man for Mr. Wilson's watch. Very important."

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: Did you write this?

18 MR. WILLIAMS: Yeah, I wrote that.

19 MR. ZIEGLER: Why would Mattie Mae know about a
20 pawn man and the watch?

21 MR. WILLIAMS: That's stuff we talked about. It's
22 stuff we tried to add in the stuff when we was being
23 questioned.

24 MR. ZIEGLER: When you were in the room with
25 Mattie Mae, you talked about a watch?

1 MR. WILLIAMS: No. We talked about any items he
2 had may have lost. And she wasn't sure what was going on at
3 all. She never was sure.

4 MR. ZIEGLER: So as a result of this letter, if
5 detectives went to Mattie Mae and said, hey, talk us to that
6 pawn man about the watch --

7 MR. WILLIAMS: Uh-huh.

8 MR. ZIEGLER: -- what do you think she would have
9 done?

10 MR. WILLIAMS: If she knew anything about a watch,
11 she probably would have took them there.

12 MR. ZIEGLER: Well, to your knowledge, did she
13 know anything about a watch?

14 MR. WILLIAMS: No.

15 MR. ZIEGLER: Did she know anything about a pawn
16 man?

17 MR. WILLIAMS: Uh-uh.

18 MR. ZIEGLER: So what do you think would happen
19 then if police, based on your information, they asked Mattie
20 Mae to take them and she said I don't know what you're
21 talking about?

22 MR. WILLIAMS: They probably wouldn't do nothing.

23 MR. ZIEGLER: Why -- okay. Why would you put
24 Mattie Mae -- why would you suggest she knew this?

25 MR. WILLIAMS: I suggested most of the things that

1 I could think of that would help me, but none of it was ever
2 true.

3 MR. ZIEGLER: Okay. And I'm going to read the
4 next little bit in that letter. It says:

5 "Also can Sergeant McCoy send me some cigarettes."

6 Why would you ask the police for cigarettes when
7 you're in jail?

8 MR. WILLIAMS: I mean, it's on here?

9 MR. ZIEGLER: It's about in the middle of the
10 letter.

11 MR. WILLIAMS: Okay. Yeah. I see it. Yeah.

12 MR. ZIEGLER: Did you think they would give you
13 cigarettes?

14 MR. WILLIAMS: I don't know what my mind was going
15 -- going through then.

16 MR. ZIEGLER: Did you ever get cigarettes from
17 police?

18 MR. WILLIAMS: Sometime they would send somebody
19 to bring some to me.

20 MR. ZIEGLER: Why would they do that?

21 MR. WILLIAMS: I don't have the slightest clue why
22 they would give me cigarettes, but they have.

23 MR. ZIEGLER: Did you get anything else?

24 MR. WILLIAMS: No, nothing else.

25 MR. ZIEGLER: Were the cigarettes a gift?

1 MR. WILLIAMS: I can't answer that. They just
2 sent them to me. I don't know if it was a gift or not.

3 MR. ZIEGLER: Okay. So as you understand it, it
4 was not an exchange for anything?

5 MR. WILLIAMS: I didn't think it was.

6 MR. ZIEGLER: You did not think it was. Okay.

7 MS. TANNER: How did you get them?

8 MR. WILLIAMS: Well, you know, the jailer, turnkey
9 jailer.

10 MS. TANNER: Turnkey jailer?

11 MR. WILLIAMS: Yeah.

12 MS. TANNER: Tell me who that is.

13 MR. WILLIAMS: I don't know who that was back then
14 it's so long. He would bring them to me and I would get
15 them.

16 MR. ZIEGLER: Were you allowed to have cigarettes?

17 MR. WILLIAMS: Back then?

18 MR. ZIEGLER: Yeah.

19 MR. WILLIAMS: Yeah. Back then you could.

20 MR. ZIEGLER: Okay.

21 MS. TANNER: Not anymore, right?

22 MR. WILLIAMS: No, you can't smoke no more nowhere
23 now.

24 MR. ZIEGLER: Thank you.

25 MR. WILLIAMS: I haven't smoked in -- in 18 years

1 now.

2 MS. TANNER: If you needed to talk to police while
3 you were in jail, how did you do that?

4 MR. WILLIAMS: I could just tell one of the
5 jailers and they would do it.

6 MS. TANNER: Okay. So did you ever do that?

7 MR. WILLIAMS: Yeah, I have. On occasions I have.

8 MR. ZIEGLER: What would cause you to reach out to
9 the police?

10 MR. WILLIAMS: You know, after -- after all this
11 was said and done, it was later that I tried to reverse what
12 I had done done and I couldn't. I even had them come one
13 time to talk to me to try to get it to reversed, let her
14 know I didn't -- it wasn't right. It didn't work. I done
15 sunk myself in it so deep, there was no way out.

16 MR. ZIEGLER: Okay. Back up a little bit. I just
17 want to make sure I'm understanding what you're saying.

18 Did you just say you contacted police to try and
19 get yourself out of the Arthur Wilson?

20 MR. WILLIAMS: Yeah. After -- it was right before
21 everything started going to the next murder and stuff, I had
22 wanted to talk to them about it and tell them it wasn't like
23 that, but nobody wanted to hear it.

24 MR. ZIEGLER: And when you say "it wasn't like
25 that," what do you mean?

1 MR. WILLIAMS: That we didn't do nothing like
2 that, that I had just made 95 percent of that whole thing
3 up. But --

4 MR. ZIEGLER: And you told -- do you remember who
5 you told that to?

6 MR. WILLIAMS: No. But nobody wanted to listen.

7 MR. ZIEGLER: Okay. So what was the reaction when
8 you said that?

9 MR. WILLIAMS: Nobody wanted to listen to it.

10 MR. ZIEGLER: What did they say to you?

11 MR. WILLIAMS: Just, Oh, well. I even wrote a
12 letter -- you should have it -- to the Justice Department.
13 You have that letter, don't you?

14 MR. ZIEGLER: I do not have that letter.

15 MS. MATOIAN: To the Justice Department?

16 MR. WILLIAMS: Yes.

17 MS. TANNER: Tell me about that.

18 MR. ZIEGLER: Is that --

19 MR. WILLIAMS: I wrote that --

20 MR. ZIEGLER: -- the U.S. Justice Department?

21 MR. WILLIAMS: Yes. Recanting story. It
22 disappeared.

23 MS. TANNER: What do you mean "it disappeared"?

24 MR. WILLIAMS: It was a letter and then the letter
25 was asked for and now nobody know where the letter went to.

1 MS. TANNER: Okay.

2 MR. ZIEGLER: When did you write that letter?

3 MR. WILLIAMS: I think I was still in jail. Was I
4 still in jail?

5 MR. ZIEGLER: Do you remember whether it was
6 before or after your co-defendants had their trials?

7 MR. WILLIAMS: I think it was after.

8 MR. ZIEGLER: Okay.

9 MR. WILLIAMS: In fact, it was in the -- in the
10 story that Ms. Zerwick written, she spoke about it. You
11 remember that? It was in that story.

12 MR. ZIEGLER: How did she know about it as far as
13 you know?

14 MR. WILLIAMS: I don't know how she got it because
15 I had never told her, but she got it from someplace.
16 Because it was in one of the articles. I'm trying remember
17 which article it was in. Because she did two -- two
18 separate articles, had two separate titles, and it was in
19 one of them. I --

20 MR. ZIEGLER: Okay.

21 MR. WILLIAMS: -- don't know which one.

22 MR. ZIEGLER: Okay. Did you tell her about having
23 written that letter?

24 MR. WILLIAMS: No.

25 MR. ZIEGLER: Okay. Do you remember going to

1 court about this case?

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: Do you remember the first time you
4 went to court?

5 MR. WILLIAMS: I think it was like preliminary.

6 MR. ZIEGLER: Okay. Do you remember having a
7 probable cause hearing that was for you, Sammy, and Darryl
8 all in the same hearing?

9 MR. WILLIAMS: Uh-huh.

10 MR. ZIEGLER: What were you thinking and feeling
11 before that leading up to that hearing?

12 MR. WILLIAMS: I had consciously regretted it. I
13 couldn't turn it back. There was no turning around.

14 MR. ZIEGLER: Why did you feel like there was no
15 turning around?

16 MR. WILLIAMS: The history with Sammy and Darryl.
17 And the prosecutor at that time, he hated me just as much as
18 he hated them. And they weren't about to let this go. No
19 way to even attempt to turn it around, even though in my
20 trial date, I tried to change up. It still didn't happen.
21 They weren't going to let it go.

22 MR. ZIEGLER: And you said you regretted it. What
23 is it that you regretted?

24 MR. WILLIAMS: Implicating myself and other people
25 for something we didn't do.

1 MR. ZIEGLER: You said the prosecutor hated you
2 and Sammy and Darryl. Why?

3 MR. WILLIAMS: He hated them -- he hated those two
4 more than anything. And he -- he disliked me because when I
5 started to try to come from up under it, it pissed him off
6 just that more. And --

7 MR. ZIEGLER: When you say "try to come up from
8 under it"?

9 MR. WILLIAMS: Try to take it back. Nobody wanted
10 to talk to me about it then.

11 MR. ZIEGLER: You're trying to -- you're talking
12 about when you try to take --

13 MR. WILLIAMS: And --

14 MR. ZIEGLER: -- back your statements about Arthur
15 Wilson?

16 MR. WILLIAMS: Yeah. Everything in the Arthur
17 Wilson case, they didn't want to hear it.

18 MR. ZIEGLER: And why did --

19 MS. MATOIAN: What "they" are you talking about?

20 MR. WILLIAMS: Lord sakes, I lost his name. I
21 can't think of his name. I forgot my DAs in the case now.

22 MR. ZIEGLER: It's the man who prosecuted your
23 case?

24 MR. WILLIAMS: Uh-huh. That's the only person I
25 could talk to. And he didn't want to hear anything,

1 nothing. Nobody wanted to hear anything.

2 MR. ZIEGLER: And why did he -- or why did you
3 think he hated Sammy and Darryl?

4 MR. WILLIAMS: Well, Tisdale was the -- dealt with
5 them on their cases. And he had -- for years couldn't stand
6 them. And he was already in a jam because of the Forsyth
7 case behind it. And this played right into -- played right
8 into his hands.

9 MR. ZIEGLER: And so you just mentioned Tisdale.

10 MR. WILLIAMS: Yeah. That's the -- that's --

11 MR. ZIEGLER: So he was the elected DA. Is that
12 who you were talking about a second ago --

13 MR. WILLIAMS: No. No.

14 MR. ZIEGLER: -- when you couldn't remember?

15 MR. WILLIAMS: My DA -- the DA in my case, I don't
16 know his name.

17 MR. ZIEGLER: Okay.

18 MR. WILLIAMS: I know Tisdale had more to deal
19 with Sammy than anything.

20 MR. ZIEGLER: So you're talking the assistant
21 district attorney --

22 MR. WILLIAMS: Uh-huh.

23 MR. ZIEGLER: -- who was in your case?

24 MR. WILLIAMS: Yeah.

25 MR. ZIEGLER: Okay.

1 MR. WILLIAMS: I don't know who it was. I can't
2 remember. But --

3 MS. TANNER: How did you know that Tisdale hated
4 them?

5 MR. WILLIAMS: Because during the Deborah Sykes
6 thing, he printed so many different little articles. I got
7 them. And he even had an article where he had confiscated
8 some -- something from Sammy and he kept it. He kept it.
9 It was like a stick or something he had. He always kept it,
10 you know. It was belonging to Sammy.

11 MS. TANNER: It was a stick?

12 MR. WILLIAMS: Uh-huh. Supposed to been used for
13 something, not in -- not the Sykes thing. Something way
14 before that. Because, you know, Sammy had got into it
15 before and Tisdale I think was the prosecutor.

16 MS. MATOIAN: How did you know that?

17 MR. WILLIAMS: He had -- he did a lot of articles.
18 He had did articles and stuff. During the time all this was
19 going on, people were going to him and asking him questions.
20 He had just come in office. He got voted out. A new DA
21 went into it. And somebody did an interview with him and he
22 started talking about Sammy and Darryl, how it's so hard to
23 get them and he finally got them and all that stuff.

24 MS. MATOIAN: Did you keep up with the news a lot?

25 MR. WILLIAMS: I kept up with it during -- after I

1 had (inaudible) for about two years. And then after that, I
2 had just about given up. I was at CP for a while working.
3 Nothing went right there either. I couldn't mentally -- I
4 worked in the hospital. That's the good thing, but I just
5 was out of it. Like a robot; I just kept going to work
6 there, then going back and doing nothing else. I never went
7 outside.

8 MS. TANNER: Where was that happening? Where?

9 MR. WILLIAMS: CP.

10 MS. TANNER: At CP?

11 MR. WILLIAMS: Central Prison. Uh-huh. I worked
12 in the hospital there for a while.

13 MS. TANNER: Back in 1983 before -- or any of that
14 time period, were you able to read and write?

15 MR. WILLIAMS: Uh-huh.

16 MS. TANNER: Okay.

17 MR. ZIEGLER: Catherine just asked you about
18 keeping up with the news. How would you keep up with the
19 news?

20 MR. WILLIAMS: Well, we get the "Winston-Salem
21 Journal."

22 MR. ZIEGLER: And you say "we," who are you
23 talking about?

24 MR. WILLIAMS: The guys in the block. A couple of
25 us from Winston.

1 MR. ZIEGLER: You're talking about while you're in
2 jail --

3 MR. WILLIAMS: Uh-huh.

4 MR. ZIEGLER: -- you had access to it?

5 MR. WILLIAMS: Yeah.

6 MR. ZIEGLER: Okay.

7 MR. WILLIAMS: When I was in jail, I got an
8 article in jail on (inaudible), too.

9 MR. ZIEGLER: Okay.

10 MR. WILLIAMS: And then here, I've been using
11 "Winston-Salem Journal."

12 MS. TANNER: So I want to make sure I'm really
13 clear on that. There's jail and then there's prison --

14 MR. WILLIAMS: Uh-huh.

15 MS. TANNER: -- right?

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: Where did you get the "Winston-Salem
18 Journal"?

19 MR. WILLIAMS: Prison.

20 MS. TANNER: Okay. And was that while you were in
21 prison after you had been convicted of Mary Smith and Arthur
22 Wilson?

23 MR. WILLIAMS: I got a -- okay. Before I came to
24 prison for it, I did have what you call like an article.
25 It's like a little print article in the jail cell with me

1 with the murder in it. But when I got to prison, CP, we
2 could get -- they was giving out newspapers every morning
3 from different counties so you'd be able to read it. Like
4 if you're from Winston, you could read the newspaper from
5 Winston, or if you're from Raleigh, you read that paper.

6 MS. TANNER: Okay.

7 MR. ZIEGLER: How did you get that article that
8 you just mentioned having it in jail?

9 MR. WILLIAMS: It was in the cell I went in when I
10 was in there in the cell.

11 MR. ZIEGLER: You just found it? Somebody left it
12 there?

13 MR. WILLIAMS: Uh-huh.

14 MR. ZIEGLER: I'm sorry, Beth.

15 MS. TANNER: No, that's okay. Where was that
16 article from; do you remember?

17 MR. WILLIAMS: I think it was from the "Journal."

18 MS. TANNER: Okay. What did it say?

19 MR. WILLIAMS: It was talking about the next
20 murder y'all going to talk to me about. It had that in it.
21 It had a story about that in it.

22 MS. TANNER: Ms. Bryson?

23 MR. WILLIAMS: Ms. Bryson's. I can't remember if
24 the Arthur Wilson case was in it or not. I can't remember.

25 MS. TANNER: And is this article that you found

1 when you went into the jail, was that due to your arrest
2 from Mary Smith's death? Is that why --

3 MR. WILLIAMS: Arthur Wilson.

4 MS. TANNER: -- you were in jail?

5 MR. WILLIAMS: Arthur Wilson.

6 MS. TANNER: Okay. I'm going to help us a little
7 bit with the timeline as we understand it.

8 MR. WILLIAMS: Uh-huh.

9 MS. TANNER: So -- I'm sorry, Brian.

10 So Mary Smith is -- she dies, actually dies on
11 March 17th --

12 MR. WILLIAMS: Uh-huh.

13 MS. TANNER: -- 1986 and you are in jail for that.
14 Where are you arrested for the Arthur Wilson murder?

15 MR. WILLIAMS: Talking to the police while I was
16 in jail.

17 MS. TANNER: Okay. So you were already in jail
18 when they came to arrest you for Arthur Wilson?

19 MR. WILLIAMS: Yeah. 'Cause something happened.
20 There was something about the Smith case that came -- that
21 came back out and we started talking about it and I ended up
22 in jail.

23 MS. TANNER: Okay. So if I represent to you that
24 Mary Smith's dies March 17th and you're arrested for that
25 March 19th for Mary Smith's case, it's your recollection

1 that you were arrested for Arthur Wilson while you were
2 already in jail?

3 MR. WILLIAMS: Uh-huh. As I can remember.

4 MS. TANNER: When did you get that article in that
5 jail cell?

6 MR. WILLIAMS: Oh, God. The article I got, it had
7 to be later on. I don't even think Wilson was in there. I
8 know Ms. Bryson was in it and that -- it was a while. I
9 can't remember the dates on it.

10 MS. TANNER: Okay. So our understanding right now
11 is that when you went to the jail that article was already
12 in there?

13 MR. WILLIAMS: Yeah.

14 MS. TANNER: Is that the cell you went into when
15 you were arrested for Mary Smith?

16 MR. WILLIAMS: I think it was Arthur Wilson.

17 MS. TANNER: Okay. But you were already in jail
18 for Arthur Wilson?

19 MR. WILLIAMS: Yeah.

20 MS. TANNER: (Inaudible) for Arthur Wilson?

21 MR. WILLIAMS: Yeah. I think it was that time I
22 went in for that one.

23 MS. TANNER: So nobody gave you that article?

24 MR. WILLIAMS: No. Nobody gave it to me.

25 MS. TANNER: Okay. It was just already in the

1 cell?

2 MR. WILLIAMS: The cell.

3 MS. TANNER: And you don't know how it got there?

4 MR. WILLIAMS: No.

5 MS. TANNER: Okay. I'm sorry.

6 MR. ZIEGLER: No, no, you're fine.

7 Mr. Wilson, I want to go back to that probable
8 cause hearing that we started to talk about.

9 MR. WILLIAMS: Uh-huh.

10 MR. ZIEGLER: I am going to show you what I am
11 marking as Number 47, which I believe to be a letter that
12 you wrote at that time.

13 (Exhibit Number 47 was introduced.)

14 MR. ZIEGLER: And it starts on the Bates stamped
15 number page 2501. I'll read it, just follow along with me.

16 "Well, it's May 5, 1986. I'm 28. That's funny
17 because it's my last birthday and I may see 29 at any rate
18 -- or I may see 29 at any rate."

19 Why would that have been your last birthday?

20 MR. WILLIAMS: And you said this is May of what
21 now, '86?

22 MR. ZIEGLER: Right. This is the day of that
23 first hearing. I'm just going to keep -- we'll just read --

24 MR. WILLIAMS: The whole thing.

25 MR. ZIEGLER: -- we'll read the whole thing and

1 then --

2 MR. WILLIAMS: Oh, I see it. I see it.

3 MR. ZIEGLER: -- I'll ask you about it.

4 MR. WILLIAMS: Yeah. Uh-huh. Yeah.

5 MR. ZIEGLER: So I'm -- I'm going to pick up right
6 here where it says:

7 "I'm still going to die. I've made up my mind.
8 You made yours a few weeks back when you said you was going
9 to leave, so today I must make up my mind to live or die."

10 What are you talking about?

11 MR. WILLIAMS: That was after I had a conflict
12 with Ms. -- there should be another page.

13 MR. ZIEGLER: There -- there's another page,
14 right. That was just the beginning we read. And on -- on
15 the next page, you say:

16 "My life is in your hands. In court today is when
17 I must decide rather to live or die."

18 What were you talking about living or dying and
19 making a decision in court?

20 MR. WILLIAMS: After things had blowed up, I -- I
21 really wanted to go back on everything, but I wasn't allowed
22 to go back and I got depressed.

23 MR. ZIEGLER: So you were depressed?

24 MR. WILLIAMS: That's when I was in my depressant
25 stage.

1 MR. ZIEGLER: Okay. But when you talk about
2 deciding in court to live or die, can you explain that a
3 little more?

4 MR. WILLIAMS: At that point, I actually felt I
5 was going to get -- I'm going to get out and things didn't
6 go that -- that route.

7 MR. ZIEGLER: Do you remember that day, did you
8 make a decision about living or dying?

9 MR. WILLIAMS: Yeah. I had to live. I wanted to
10 live, you know, try to straighten this mess out.

11 MR. ZIEGLER: Okay. Were you talking about a
12 possible death penalty?

13 MR. WILLIAMS: No. Because I had requested that
14 on my own before the case got started.

15 MR. ZIEGLER: You requested that though?

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: Tell me about that.

18 MR. WILLIAMS: That was one of the thing that was
19 in the article to the Justice Department. I don't know
20 where it's at.

21 MR. ZIEGLER: Okay.

22 MR. WILLIAMS: It's gone someplace.

23 MR. ZIEGLER: Do you remember testifying in that
24 hearing?

25 MR. WILLIAMS: In my hearing?

1 MR. ZIEGLER: The -- it was for all three of you.
2 It was that same day, that May 5th -- your birthday, I
3 guess, May 5, '86 hearing.

4 MR. WILLIAMS: I can't remember what I said at
5 all, testifying.

6 MR. ZIEGLER: Do -- do you remember testifying at
7 all?

8 MR. WILLIAMS: I think I did testify, but I can't
9 remember.

10 MR. ZIEGLER: Do you remember having a
11 conversation with your lawyers about whether or not you
12 should testify?

13 MR. WILLIAMS: Yeah, I know that.

14 MR. ZIEGLER: And tell me about that conversation.

15 MR. WILLIAMS: They -- they weren't making sense.
16 They didn't want me to testify and one did want me to
17 testify. I can't just remember -- remember if I went on the
18 stand or not.

19 MR. ZIEGLER: So I'll tell you, you did go on the
20 stand.

21 MR. WILLIAMS: Yeah. Because there's a lot I
22 still can't remember.

23 MR. ZIEGLER: What would the -- obviously, you may
24 not remember details. But the big picture of your testimony
25 when you went on the stand that day, do you remember what

1 you said?

2 MR. WILLIAMS: No, sir.

3 MR. ZIEGLER: Do you remember whether you said you
4 did it or not?

5 MR. WILLIAMS: I believe I said I did it.

6 MR. ZIEGLER: Okay.

7 MR. WILLIAMS: That's so long ago.

8 MR. ZIEGLER: Do you remember ever being in court
9 under oath and saying that you did not do it?

10 MR. WILLIAMS: No.

11 MR. ZIEGLER: Okay. You changed lawyers sometime
12 around then. Do you remember that?

13 MR. WILLIAMS: Uh-huh.

14 MR. ZIEGLER: Why did you change lawyers?

15 MR. WILLIAMS: The lawyers I had, they -- they
16 didn't want to do -- I wanted to try and get out of it. And
17 those two lawyers weren't even trying to hear it either.

18 MR. ZIEGLER: You say you were trying to get out
19 of it?

20 MR. WILLIAMS: Yeah. They weren't trying to hear
21 it. And then I implicated myself in another murder and they
22 decided it's time to go.

23 MR. ZIEGLER: Okay. Do you remember ever saying
24 that you wanted new lawyers because you didn't want to be
25 represented by a black attorney?

1 MR. WILLIAMS: No. No, I ain't said that. I said
2 I didn't want to be represented by them. But before I said
3 that, they wanted to come off the case anyway.

4 MR. ZIEGLER: Is there a reason why you would not
5 have been -- wanted to be represented by a black attorney?

6 MR. WILLIAMS: In some cases -- now, for me, no,
7 but back then --

8 MR. ZIEGLER: I'm talking about back then.

9 MR. WILLIAMS: Back then --

10 MR. ZIEGLER: I'm talking about when this
11 happened.

12 MR. WILLIAMS: -- they did -- not really. No. I
13 just didn't feel they were good lawyers.

14 MR. ZIEGLER: Okay.

15 MS. TANNER: Why?

16 MR. WILLIAMS: Because I -- other people had them
17 and it seemed like everybody else went to jail with them, so
18 I was trying to get away from them. But then when I
19 implicated myself in the next murder, that sealed it; they
20 wanted to go themselves, leave this particular case.

21 MS. TANNER: What other people had them?

22 MR. WILLIAMS: Some other people had -- had used
23 those lawyers before. You know, it wasn't -- they didn't
24 come out real good.

25 MR. ZIEGLER: Do you recall -- I asked you a few

1 minutes ago, and you said leading up to that first hearing
2 you felt regret and you wanted to get out but you thought it
3 was too late. How did you feel after that hearing?

4 MR. WILLIAMS: There was nothing I could do. I
5 had to keep on going. Nobody wouldn't hear me the first
6 time when I started, so I just kept going and let it go.

7 MR. ZIEGLER: Did you --

8 MR. WILLIAMS: -- that's when I decided to plead
9 out.

10 MR. ZIEGLER: Did you have any health problems
11 around that time?

12 MR. WILLIAMS: Health?

13 MR. ZIEGLER: Uh-huh.

14 MR. WILLIAMS: Heart. I still have my murmur.

15 MR. ZIEGLER: Did you ever go to the hospital?

16 MR. WILLIAMS: I went to the hospital one night in
17 jail.

18 MR. ZIEGLER: Tell me about that.

19 MR. WILLIAMS: I induced (sic) something in my
20 system. That's when I went to the hospital.

21 MR. ZIEGLER: Okay. Tell me about that.

22 MR. WILLIAMS: I was in the cell and I had --
23 reflecting on everything that went down and I had got
24 depressed and I used a chemical. And they took me to the
25 hospital and made me gag it up.

1 MR. ZIEGLER: Why did you take a chemical?

2 MR. WILLIAMS: I -- I couldn't get out of it. And
3 that's my only way out.

4 MR. ZIEGLER: Were you trying to kill yourself?

5 MR. WILLIAMS: Yep.

6 MR. ZIEGLER: And you felt like that was your only
7 way out?

8 MR. WILLIAMS: (No audible response.)

9 MR. ZIEGLER: Okay. Do you recall when that
10 happened in relation to your hearing?

11 MR. WILLIAMS: No.

12 MR. ZIEGLER: If I tell you it was the same day,
13 does that sound familiar?

14 MR. WILLIAMS: I couldn't remember if it was, but
15 I just couldn't remember.

16 MR. ZIEGLER: Okay. Did you make any phone calls
17 from the jail around that time?

18 MR. WILLIAMS: I may have. There's a lot of stuff
19 I can't remember.

20 MR. ZIEGLER: Okay. Do you remember ever making a
21 call to a Shiloh Baptist Church?

22 MR. WILLIAMS: I may have. It's just a lot. I
23 still can't remember.

24 MR. ZIEGLER: Okay. I understand. Is there a
25 reason why you would have called a church?

1 MR. WILLIAMS: Shiloh. Shiloh. Shiloh. Not that
2 I can recall.

3 MR. ZIEGLER: Okay. Were you ever offered to be
4 let out of jail if you planted drugs on Vivian Burke?

5 MR. WILLIAMS: No.

6 MR. ZIEGLER: Did you ever tell anybody that --

7 MR. WILLIAMS: No.

8 MR. ZIEGLER: -- you were offered to be let out of
9 jail if you planted drugs on Vivian Burke?

10 MR. WILLIAMS: No.

11 MR. ZIEGLER: Who is Vivian Burke?

12 MR. WILLIAMS: She was an Alderman back then.

13 MR. ZIEGLER: Okay. Is there a reason why that
14 would be believable or why anyone would want drugs to be
15 found on her?

16 MR. WILLIAMS: No. I don't know nothing about
17 that.

18 MR. ZIEGLER: Okay. And you don't recall ever
19 telling anybody about that?

20 MR. WILLIAMS: No.

21 MR. ZIEGLER: Okay. Do you recall ever telling
22 anyone you told a lie on two people who would be
23 electrocuted for something they didn't do?

24 MR. WILLIAMS: Yes. That was a case, too.

25 MR. ZIEGLER: Who did you tell that to?

1 MR. WILLIAMS: I can't remember. I told more than
2 one person, but I don't think anybody listened to me.

3 MR. ZIEGLER: So if someone at a church was
4 interviewed and they said that you told them you were
5 offered to be let out of jail for planting drugs on Vivian
6 Burke, that would be a lie?

7 MR. WILLIAMS: Yeah. Because I don't remember
8 nothing like that.

9 MR. ZIEGLER: Okay.

10 MR. WILLIAMS: I definitely would remember that.
11 No.

12 MR. ZIEGLER: Okay. And do you remember making
13 any phone calls, the general story of what you were calling
14 for is to tell people that you were lying on innocent
15 people?

16 MR. WILLIAMS: I can't remember. But I had tried
17 to make some calls. I just can't remember.

18 MR. ZIEGLER: Okay. I understand. It's been a
19 long time.

20 Is there anyone that you can remember telling that
21 you were lying?

22 MR. WILLIAMS: No.

23 MR. ZIEGLER: Did you ever have any conversations
24 with Mattie Mae about trying to go back on the story?

25 MR. WILLIAMS: Not exactly. I can't remember.

1 MR. ZIEGLER: Did you ever write letters to
2 anybody to say that you were lying and try to go back on the
3 story? You mentioned one letter earlier.

4 MR. WILLIAMS: Yeah.

5 MR. ZIEGLER: Did you write letters to anyone
6 else?

7 MR. WILLIAMS: I think I did. I can't remember.
8 There's quite a few letters I had wrote and I don't know
9 what I wrote in them.

10 MR. ZIEGLER: I'm going to show you --

11 MS. MATOIAN: We're going to be on 48, Brian.

12 MR. ZIEGLER: Forty-eight, okay. I'm going to
13 show you what I will mark as Number 48.

14 (Exhibit Number 48 was introduced.)

15 MR. ZIEGLER: This is an affidavit that you
16 signed. If you -- it starts on Bates stamped page 2739 and
17 it ends on page 2742. If you'd just turn to that last page.
18 Mr. Williams, can you just turn to the last page real quick?

19 MR. WILLIAMS: Last page. All right.

20 MR. ZIEGLER: Do you remember signing a document
21 like this?

22 MR. WILLIAMS: Let me see something. I don't --

23 MR. ZIEGLER: Yeah. Yeah. Take a minute --

24 MR. WILLIAMS: -- (inaudible.)

25 MR. ZIEGLER: -- and look it over, sure.

1 MR. WILLIAMS: Oh, yes.

2 MR. ZIEGLER: Okay. So this is an affidavit that
3 talks about why you came forward to say that you were
4 involved in -- in the Arthur Wilson death. And you talk
5 about feeling pressured and being afraid and things like
6 that. Who wrote this?

7 MR. WILLIAMS: This was typed up after I had went
8 through a lot of things. Someone typed it for me.

9 MR. ZIEGLER: When you say you "had been through a
10 lot of things," what do you mean?

11 MR. WILLIAMS: Stress. And I started writing --
12 there actually was a 15-page affidavit. And I don't know
13 where it went to. Definitely should have had two.

14 MR. ZIEGLER: So you remember doing two
15 affidavits?

16 MR. WILLIAMS: Yeah.

17 MR. ZIEGLER: Okay. Do you --

18 MS. TANNER: Who typed this?

19 MR. ZIEGLER: -- do you know who -- who wrote
20 this?

21 MR. WILLIAMS: I forgot who typed it. I did most
22 of the writing and it's just went back and correct --

23 MR. ZIEGLER: So you --

24 MR. WILLIAMS: -- (inaudible).

25 MR. ZIEGLER: -- you handwrote something --

1 MR. WILLIAMS: Uh-huh.

2 MR. ZIEGLER: -- and then what you wrote was just
3 retyped?

4 MR. WILLIAMS: Uh-huh.

5 MR. ZIEGLER: But it's the same words that you
6 wrote?

7 MR. WILLIAMS: It's the same words.

8 MR. ZIEGLER: Okay. Did you anyone ask you to do
9 this statement?

10 MR. WILLIAMS: No. I wasn't asked to do it.

11 MR. ZIEGLER: Okay. Why did you offer it up?

12 MR. WILLIAMS: I had done went so long doing
13 this -- I did wrong by implicating these guys in this stuff
14 and myself. And I tried to get it out. This affidavit so
15 long with another one. I don't know where it's at. And it
16 wasn't even affidavits, it was a hand -- handwritten --
17 handwritten letter completely. It went to other people.
18 And I don't know what happened to it.

19 MR. ZIEGLER: So I don't want to put words in your
20 mouth. Were you trying to help someone by this?

21 MR. WILLIAMS: I'm trying to help everybody get
22 out from under what I told.

23 MR. ZIEGLER: Okay. Because the -- what this
24 document doesn't say is that that was all a lie. You talk
25 about why you -- why you came forward with information about

1 Arthur Wilson --

2 MR. WILLIAMS: Uh-huh.

3 MR. ZIEGLER: -- but it does not say that you were
4 telling a lie, why not?

5 MR. WILLIAMS: I don't know. There's another
6 one -- the one that's at the Justice Department, and assume
7 that it is, where I had recanted my -- the whole thing.

8 MR. ZIEGLER: Okay. Other than that first
9 probable cause hearing, do you remember testifying in court
10 again?

11 MR. WILLIAMS: Yeah. We -- and Sammy had --
12 Darryl had another crack at getting out and I was sent to
13 Watauga County Jail. They moved, change of venue. And we
14 had a -- they transferred me from CP to there where I was
15 held until trial when I was put on the stand again.

16 MR. ZIEGLER: So I -- I do want to ask you about
17 that, but I just want to make sure that I'm understanding.
18 You only remember testifying one more time?

19 MR. WILLIAMS: Uh-huh.

20 MR. ZIEGLER: At one -- you testified only at one
21 trial?

22 MR. WILLIAMS: Uh-huh.

23 MR. ZIEGLER: Okay. And what did you say when you
24 were put on the stand?

25 MR. WILLIAMS: I can't remember. I did have a

1 copy of that stuff, but I don't have it anymore. It was
2 taken from me. I can't remember what I said.

3 MR. ZIEGLER: Who called you as a witness?

4 MR. WILLIAMS: State.

5 MR. ZIEGLER: So you were a State's witness?

6 MR. WILLIAMS: Uh-huh.

7 MR. ZIEGLER: Did you get on the stand and say
8 that you all did this crime?

9 MR. WILLIAMS: I can't remember what I was said.
10 I was put on the stand. I got questioned by -- I think
11 both -- both sides questioned me, but I can't remember what
12 I said.

13 MR. ZIEGLER: Okay.

14 MR. WILLIAMS: Both sides questioned me.

15 MR. ZIEGLER: I know you mentioned giving police
16 the name of Barbara Bason.

17 MR. WILLIAMS: Uh-huh.

18 MR. ZIEGLER: Why would she say she saw the three
19 of you do this crime?

20 MR. WILLIAMS: Her dislike for Sammy and them.

21 MR. ZIEGLER: Do you think her dislike for Sammy
22 was enough for her to get up in court and say that, not just
23 Sammy, but Darryl and you did a murder?

24 MR. WILLIAMS: Uh-huh.

25 MR. ZIEGLER: And you think she would get up in

1 court and say that again and again and again under oath?

2 MR. WILLIAMS: Yep. She would.

3 MR. ZIEGLER: And you mentioned giving the name of
4 someone named Williams to police?

5 MR. WILLIAMS: Uh-huh.

6 MR. ZIEGLER: Was that Patricia Williams?

7 MR. WILLIAMS: Yeah, Patricia. Yep.

8 MR. ZIEGLER: Why would she say that she saw Sammy
9 and Darryl and a third person do this crime?

10 MR. WILLIAMS: She went off what -- what Big Titty
11 Barb had. She went with the same thing.

12 MR. ZIEGLER: And she would swear under oath --

13 MR. WILLIAMS: Uh-huh.

14 MR. ZIEGLER: -- and say that she saw this crime
15 and these people did a murder?

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: I know you said that Sammy would
18 bother them --

19 MR. WILLIAMS: Yeah.

20 MR. ZIEGLER: -- touch their butt or whatever you
21 said.

22 MR. WILLIAMS: Yeah. Yeah. He just --

23 MR. ZIEGLER: You think that's enough for them to
24 put them in a murder with the death penalty and say it time
25 and time and time again?

1 MR. WILLIAMS: Something else had to help --
2 help -- somebody did something to them to make them keep
3 going. Because years later I found out that they couldn't
4 do it.

5 MR. ZIEGLER: Well, why would you say it time and
6 time and time again? Now, you just -- we just talked about
7 it. You were trying to take it back and trying to get out
8 from under it. But then when Darryl Hunt had his second
9 trial -- this is a couple years later. You got up on the
10 stand and -- and I'm sure you took an oath to tell the
11 truth?

12 MR. WILLIAMS: Uh-huh.

13 MR. ZIEGLER: And you were a State's witness?

14 MR. WILLIAMS: Uh-huh.

15 MR. ZIEGLER: Why would you do that if it wasn't
16 true and if you already tried to say it wasn't true?

17 MR. WILLIAMS: There was no way out. I couldn't
18 do anything to stop it at that point.

19 MR. ZIEGLER: But at that time -- at that time you
20 were already in prison, right?

21 MR. WILLIAMS: Uh-huh.

22 MR. ZIEGLER: So --

23 MR. WILLIAMS: Both of us.

24 MR. ZIEGLER: So what's to stop you from saying,
25 you know, screw off, I'm not going to testify?

1 MR. WILLIAMS: They came and got me. I just went
2 and testified.

3 MR. ZIEGLER: Was your testimony true?

4 MR. WILLIAMS: No.

5 MR. ZIEGLER: What consequences do you think there
6 would have been for you if by that point -- and after
7 everything has happened, at that point, at Darryl Hunt's
8 second trial, years later, if you just said, no, I'm -- I'm
9 done with this, I'm not going to say anything more?

10 MR. WILLIAMS: I probably would have had to wear
11 it by myself. I would.

12 MR. ZIEGLER: Wear what by yourself?

13 MR. WILLIAMS: They'd probably charge me with the
14 whole murder because I had done screwed it up.

15 MR. ZIEGLER: But you were already convicted at
16 that point. You pled guilty. You're already doing --

17 MR. WILLIAMS: Yeah. It probably would never have
18 been --

19 MR. ZIEGLER: -- your time.

20 MR. WILLIAMS: Probably would have been no help.

21 MR. ZIEGLER: What kind of help did you think you
22 would get?

23 MR. WILLIAMS: Probably would have been no help
24 trying to get back from up under it. After I -- after I
25 helped them, they wouldn't have tried -- nobody would have

1 helped me at all. It's hard to get any help now.

2 MR. ZIEGLER: Did you think it was going to help
3 you get out from under it by getting on the stand and saying
4 that you did it?

5 MR. WILLIAMS: No. You get so many years -- after
6 two years had past, I just -- after I tried one time and
7 nothing happened, I just gave up.

8 MR. ZIEGLER: Have you ever talked with Mattie Mae
9 since you got convicted --

10 MR. WILLIAMS: No.

11 MR. ZIEGLER: -- and you went to prison?

12 MR. WILLIAMS: No, no.

13 MR. ZIEGLER: When is the last time you talked
14 with her?

15 MR. WILLIAMS: I can't remember. It's -- God, I
16 ain't talked to her since.

17 MR. ZIEGLER: Where were you the last time you
18 talked to her?

19 MR. WILLIAMS: County jail.

20 MR. ZIEGLER: Okay.

21 MR. WILLIAMS: That's it. I haven't had contact
22 with nobody out of Winston-Salem since I left.

23 MR. ZIEGLER: Do you understand that Sammy
24 Mitchell got convicted of this murder?

25 MR. WILLIAMS: Yes, I have.

1 MR. ZIEGLER: And you know he spent a lot of time
2 in prison?

3 MR. WILLIAMS: I was in a camp with him twice.

4 MR. ZIEGLER: Well, that's a question I'm just
5 about to get to. You understand he spent a long time in
6 prison?

7 MR. WILLIAMS: (No audible response.)

8 MR. ZIEGLER: To your knowledge, was he guilty of
9 that crime he was in prison for?

10 MR. WILLIAMS: No. We spent some time together.

11 MR. ZIEGLER: Tell me about that.

12 MR. WILLIAMS: After a while, Sammy, he just gave
13 up. He became attached to a lot of things in prison and he
14 didn't let go. He wouldn't let it go.

15 MR. ZIEGLER: Wouldn't let what go?

16 MR. WILLIAMS: You come in prison, after a while
17 you have this -- you get somewhat of a -- an everyday a
18 thing and it become a part of your life and you just keep --
19 keep going. You -- you don't look back. You know, you
20 become a new person, a different person, either good or bad.
21 So the past don't exist no more. You won't try to do
22 anything for yourself. You just --

23 MR. ZIEGLER: Well, you're trying --

24 MR. WILLIAMS: -- fall down.

25 MR. ZIEGLER: -- to do something for yourself.

1 MR. WILLIAMS: Yes. Sammy could have, but Sammy
2 wasn't going to. He had done fallen in his little mood that
3 he had going.

4 MR. ZIEGLER: Did you talk to him about this
5 case --

6 MR. WILLIAMS: Uh-huh.

7 MR. ZIEGLER: -- when you saw him in the camp?

8 MR. WILLIAMS: Uh-huh.

9 MR. ZIEGLER: What was said?

10 MR. WILLIAMS: He said it'd be good to get back.
11 He said, Man, we can't -- don't even worry about it.

12 MR. ZIEGLER: He said, "Don't even worry about
13 it"?

14 MR. WILLIAMS: Yeah. He -- his mind, he just
15 didn't come -- he became institutionalized, so it wasn't
16 nothing you could do for him.

17 MR. ZIEGLER: What did you say to him?

18 MR. WILLIAMS: I told him -- I told him I'd write
19 a statement and make sure you get -- get in court with it.
20 He said, No, man. He said, Let it go. I let it go. I
21 didn't talk to him no more. The last time I heard, he had
22 died, got up and died from a massive heart attack. And that
23 was it.

24 MR. ZIEGLER: Did you ever apologize to him?

25 MR. WILLIAMS: Several time when -- when we were

1 in camp together, we was at CP in our old dorm. I was
2 strained because he wouldn't hold no grudge. And at first
3 it looked like we was going to fight. And then we started
4 sitting down and we just started talking. We talked about
5 old times; things we could have done when we got out. And
6 that was it.

7 MR. ZIEGLER: Were you scared when you first saw
8 him in there?

9 MR. WILLIAMS: No.

10 MR. ZIEGLER: Why not?

11 MR. WILLIAMS: Nothing to be scared of.

12 MR. ZIEGLER: You put him in prison on a murder.
13 You're not scared of that?

14 MR. WILLIAMS: Not -- I'm scared of the fact that
15 I put him in here. But being scared of him physically, no,
16 because I had done seen him before and he done sent word to
17 me that he was going to try to get to the camp so we could
18 talk. And he made it there and we talked, you know.

19 MR. ZIEGLER: So you -- you had word that he
20 wanted to talk to you --

21 MR. WILLIAMS: Yeah.

22 MR. ZIEGLER: -- before you saw him?

23 MR. WILLIAMS: You're not -- I worked in the
24 hospital. He was in the old dorm. He was sick. And he was
25 getting his toenails done, taking the toenail off because it

1 was -- something was wrong with it. And I had to go up to
2 old dorm to do something. And I went up there. Somebody
3 said, Sammy. I said, Okay. And I went back to work. He
4 went to eat. And he sent a note to me to come see him. And
5 I went up to see him. We sat on the bed and talked about
6 it. And, yeah, he was pissed. Me, not pissed as much as
7 feeling stupid for what I did.

8 MR. ZIEGLER: When was that?

9 MR. WILLIAMS: Oh, God. '89, '90. God, he was at
10 Central Prison for something. I can't remember when that
11 was he was at Central.

12 MR. ZIEGLER: You just said a ballpark '89 or '90?

13 MR. WILLIAMS: Uh-huh.

14 MR. ZIEGLER: Okay.

15 MR. WILLIAMS: Somewhere along in there.

16 MR. ZIEGLER: Did you ever see Darryl Hunt in
17 prison?

18 MR. WILLIAMS: No. I didn't get -- I didn't get
19 to see Darryl at all. I didn't get to see Darryl. I didn't
20 get to see Darryl in prison.

21 MR. ZIEGLER: You never saw him?

22 MR. WILLIAMS: Uh-uh. No.

23 MR. ZIEGLER: Did you ever try to contact him at
24 all?

25 MR. WILLIAMS: I had people that were in the camp

1 with him. He sent word with them to me he was all right.

2 And he told me, he said, Look, you got yourself
3 into this just like everybody else. He said, You just got
4 to get yourself out of it.

5 MR. ZIEGLER: Did you ever talk to him about this
6 case?

7 MR. WILLIAMS: When we had -- when I went to -- to
8 the county where they tried him the second time, I had a
9 chance to see him there and I asked him for forgiveness
10 there, and that was that.

11 MR. ZIEGLER: And what did he say?

12 MR. WILLIAMS: Well, he had become a Muslim then.
13 And he said, Yeah, I do forgive you. He said, But you got
14 to do something for yourself.

15 MR. ZIEGLER: Of course he got acquitted?

16 MR. WILLIAMS: Yeah.

17 MR. ZIEGLER: He wasn't in there on this?

18 MR. WILLIAMS: No. He got acquitted.

19 MS. TANNER: When did you have that conversation
20 with him in the jail? Was it before or after the trial?

21 MR. WILLIAMS: After.

22 MS. TANNER: So you were at the Watauga County
23 Jail?

24 MR. WILLIAMS: I was at Watauga County Jail. He
25 was going out.

1 MS. TANNER: And after the trial was over --

2 MR. WILLIAMS: Yeah.

3 MS. TANNER: -- he came back to the jail?

4 MR. WILLIAMS: No. He was going out. They let us
5 out and he was going past. And I said, Man, I hope you can
6 forgive me.

7 He said, I forgive you. And he walked on out. I
8 ain't seen him since, since he killed hisself, supposedly.

9 MR. ZIEGLER: That was the time of his trial --

10 MR. WILLIAMS: Uh-huh.

11 MR. ZIEGLER: -- when you say --

12 MS. TANNER: Why did you want him to forgive you?

13 MR. WILLIAMS: Look what I did to him. I
14 almost -- could have got him killed and myself.

15 MR. ZIEGLER: Did you talk to any other inmates
16 about this case?

17 MR. WILLIAMS: Countless people. Even told a lot
18 of people I didn't do it. But, you know, I didn't do it,
19 but what can I say?

20 MR. ZIEGLER: Did you know someone named James
21 Ford?

22 MR. WILLIAMS: Why is that name so familiar?
23 James Ford. James Ford. The name sound familiar, but I
24 can't put a face with it.

25 MR. ZIEGLER: Did you know someone named Mary

1 Howell?

2 MR. WILLIAMS: No.

3 MR. ZIEGLER: Did you --

4 MR. WILLIAMS: I know about them, but I don't know
5 them.

6 MR. ZIEGLER: Okay. What do you -- when you say
7 you know about them, what do you mean?

8 MR. WILLIAMS: I knew Howell said she seen -- seen
9 the attack on Mr. Wilson, something like that. But that's
10 all. I don't know nothing else.

11 MR. ZIEGLER: How do you know about her?

12 MR. WILLIAMS: Because I had the articles that she
13 wrote. She went back and reinvestigate the whole case.

14 MR. ZIEGLER: So you're talking about from Phoebe
15 Zerwick?

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: Did you know Mary Howell before
18 then?

19 MR. WILLIAMS: No.

20 MR. ZIEGLER: Okay. Did you know Linda Walser?

21 MR. WILLIAMS: Walser, no.

22 MR. ZIEGLER: Did you know Ronald McGee?

23 MR. WILLIAMS: No.

24 MR. ZIEGLER: Did you ever hear about anyone --
25 I'm talking about before Phoebe Zerwick's article. Did you

1 ever hear about anybody who said that they saw the crime?

2 MR. WILLIAMS: No. In fact, my lawyer -- the last
3 set of lawyers I had before we went to court before I
4 pleaded to this, I didn't know anything.

5 MR. ZIEGLER: And who were those lawyers?

6 MR. WILLIAMS: I don't -- I don't know their
7 names. It was so long ago. I don't even know if they're
8 still living.

9 MR. ZIEGLER: Are you talking about Kevin Mauney?

10 MR. WILLIAMS: If that's his name. I can't even
11 remember his name.

12 MR. ZIEGLER: Charles Redden?

13 MR. WILLIAMS: I can't -- don't know their names.

14 MR. ZIEGLER: Okay.

15 MR. WILLIAMS: But before we got in there, there
16 was nothing. I had no discovery. That's it, could see and
17 anything like that or read it.

18 MR. ZIEGLER: Have you ever talked with anyone who
19 said they saw what happened to Mr. Wilson?

20 MR. WILLIAMS: Uh-uh.

21 MR. ZIEGLER: Did you ever talk with Big Titty
22 Barb after you put her name up?

23 MR. WILLIAMS: No. She actually -- I had a chance
24 to talk to her one time. She came to the jail to see
25 somebody and I had seen her. You know, I had to let it go.

1 MR. ZIEGLER: Did you talk to her?

2 MR. WILLIAMS: No.

3 MR. ZIEGLER: Have you talked to Patricia

4 Williams?

5 MR. WILLIAMS: No.

6 MR. ZIEGLER: Did you participate in the assault

7 on Arthur Wilson?

8 MR. WILLIAMS: No. No, sir, not at all.

9 MR. ZIEGLER: Were you present when Arthur Wilson

10 was killed?

11 MR. WILLIAMS: No.

12 MR. ZIEGLER: Did you get any of his money?

13 MR. WILLIAMS: No.

14 MR. ZIEGLER: Did you get any of his belongings?

15 MR. WILLIAMS: No.

16 MR. ZIEGLER: Do you know who -- who killed Arthur

17 Wilson?

18 MR. WILLIAMS: No, sir.

19 MS. TANNER: Are you done?

20 MR. ZIEGLER: I'm done.

21 MS. TANNER: I have some questions for you. Do

22 you want to use the bathroom, take a quick break? Are you

23 good?

24 MR. WILLIAMS: I'm all right.

25 MS. TANNER: Okay. We talked a lot about people

1 you know. Have you ever heard of Richard Wright?

2 MR. WILLIAMS: Richard Wright, no.

3 MS. TANNER: How about Chuck Simmons?

4 MR. WILLIAMS: Uh-uh.

5 MR. ZIEGLER: Donald Simmons? Do you know any of
6 those people?

7 MR. WILLIAMS: Uh-uh.

8 MR. ZIEGLER: Okay. When you went to the drink
9 house with Mattie Mae back in the '80s, what did you wear?

10 MR. WILLIAMS: Oh, man. That would have been
11 jeans. That's all I wear, jeans.

12 MS. TANNER: Did you dress up a little?

13 MR. WILLIAMS: No.

14 MS. TANNER: Okay.

15 MR. WILLIAMS: I never dress.

16 MS. TANNER: What kind of shirt?

17 MR. WILLIAMS: Most of my shirts were flannel and
18 a T-shirt. That's it.

19 MS. TANNER: Okay. In the summertime?

20 MR. WILLIAMS: A T-shirt.

21 MS. TANNER: A T-shirt?

22 MR. WILLIAMS: Uh-huh.

23 MS. TANNER: Okay. Was that the kind of thing you
24 dressed up for?

25 MR. WILLIAMS: No.

1 MS. TANNER: No. When Sammy and Darryl went to
2 the drink house, what did they wear?

3 MR. WILLIAMS: Casual stuff.

4 MS. TANNER: Like what?

5 MR. WILLIAMS: They have black pants on, a
6 T-shirt. I guess you call it T-shirt with a pocket on it
7 and stuff like that.

8 MS. TANNER: Like a shirt with a pocket on it?

9 MR. WILLIAMS: Uh-huh. Yes.

10 MS. TANNER: Did that shirt have buttons down the
11 front?

12 MR. WILLIAMS: No.

13 MS. TANNER: Okay.

14 MR. WILLIAMS: Pullovers. You know, men with
15 pullovers.

16 MS. TANNER: Pullovers?

17 MR. WILLIAMS: Uh-huh.

18 MS. TANNER: Okay. The arson, the house with
19 the -- the burning down and all of this --

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: -- who did you work on that with?

22 MR. WILLIAMS: It was -- I was working on that
23 myself.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: Because I had known how to do that

1 kind of work.

2 MS. TANNER: So you didn't have any friends that
3 helped you with rehabbing that house?

4 MR. WILLIAMS: Oh, God. Not Mattie Mae, but the
5 other girl he mentioned. She would be there.

6 MR. ZIEGLER: Are you talking about Yvette
7 Johnson?

8 MR. WILLIAMS: Yvette Johnson, yeah.

9 MS. TANNER: Yvette Johnson?

10 MR. WILLIAMS: Yeah.

11 MS. TANNER: Okay. Did you own that house when
12 you were working on it?

13 MR. WILLIAMS: No. We had all talked to them. We
14 were supposed to get it all fixed up so we could get an
15 inspection. And from that point, we were gonna get it.

16 MS. TANNER: Going to buy it?

17 MR. WILLIAMS: Uh-huh.

18 MS. TANNER: Who was the lady across the street?

19 MR. WILLIAMS: I can't think of her name. Oh,
20 boy. I can't think of her name.

21 MS. TANNER: The house that you were rehabbing,
22 was this in the same area as the drink house?

23 MR. WILLIAMS: No. It was -- the back of that
24 house was at 18th and the front would be probably 19th,
25 (inaudible) 19th.

1 MS. TANNER: Okay.

2 MR. WILLIAMS: On the other side.

3 MS. TANNER: You said that when you were depressed
4 you couldn't be around people at all. Explain more about
5 that to me.

6 MR. WILLIAMS: When I get depressed, I try not to
7 be around anybody. Either I try to sleep all day or I'll
8 just get someplace by myself and stay there. I had a bout
9 with depression last year that was bad and I had to be put
10 back on medication to try to -- to try to deal with it. And
11 so I'm on medication now. Unfortunately, I missed 30 days,
12 and this morning I just got chewed out about it because the
13 depression started sinking back in again. They could tell.
14 And so --

15 MS. TANNER: When was the first time you heard a
16 diagnosis of depression?

17 MR. WILLIAMS: When I went to -- on the burning, I
18 seen a psychologist during then. They found I had severe
19 depression.

20 MS. TANNER: So while you were in prison for the
21 burning?

22 MR. WILLIAMS: Uh-huh. In fact, they was going to
23 treat me, but I didn't have to take medicine. But when I
24 got out, I didn't do anything at all.

25 MS. TANNER: When you got out for the burning, you

1 didn't do anything at all?

2 MR. WILLIAMS: I didn't continue treatment.

3 MS. TANNER: Why are the -- we talked a little bit
4 early on about the people at DPS looking into things in your
5 past. Why?

6 MR. WILLIAMS: They seem -- just like you came
7 down, just about all more people here know about me being up
8 here. And some people have a knack to open things going
9 into your background, checking things, wants to know about
10 this and that. And I just don't like it. There's nothing
11 that. It's already found.

12 MS. TANNER: Who wants to check?

13 MR. WILLIAMS: My programmer. She loves knowing
14 things. And just like they brought me in for honor grade
15 this time. And, actually, she said something -- it was last
16 Monday. She said that, Probably try to get you honor grade
17 providing when we get in touch with the -- what you call
18 that -- Administrative Courts about you. And it sounded so
19 strange.

20 I said, What for?

21 She said, Well, it's a process for you. We have
22 to do it.

23 And I asked her, I said, Why? Why go to
24 Administrative Courts to find anything? And that's the
25 first thing she said. And that just teed me off. I just

1 didn't like her.

2 MS. TANNER: The Administrative Courts?

3 MR. WILLIAMS: Uh-huh.

4 MS. TANNER: What is that?

5 MR. WILLIAMS: The North Carolina Court of
6 Administrative something.

7 MS. MATOIAN: Do you mean Administrative Office of
8 the Courts?

9 MR. WILLIAMS: Office of Courts, yeah.

10 MS. TANNER: Okay.

11 MR. WILLIAMS: She wants to go there.

12 I said, For what?

13 She said, Because I want -- we're going to run a
14 check through them.

15 I said, A check on what? And she wouldn't never
16 say. I said, There's nothing in my background.

17 I think when most people look for my background,
18 what's caused me to be so I guess -- they say it's screwed
19 up. But I don't even know.

20 MS. TANNER: What is the benefit of honor grade?

21 MR. WILLIAMS: For me?

22 MS. TANNER: Uh-huh.

23 MR. WILLIAMS: Nothing. It's nothing there.
24 There's nothing there.

25 Probably 80 percent of the guys that failed with

1 me with those honor grade, they die before they get out.
2 That's the only -- only benefit, I guess, of that. Because
3 most of the people I been in contact with since I've been
4 in, that's -- most of the time I've done, they've passed on
5 already.

6 MS. TANNER: You mean they died before they got
7 out --

8 MR. WILLIAMS: Yeah.

9 MS. TANNER: -- on honor grade?

10 MR. WILLIAMS: They die before they get that honor
11 grade.

12 MS. TANNER: Okay. With Mary Smith, when the
13 police first came to you, what did you say about your
14 involvement in that?

15 MR. WILLIAMS: With -- with just her?

16 MS. TANNER: Uh-huh.

17 MR. WILLIAMS: Just we was arguing and I pushed
18 her down. Regretful, but...

19 MS. TANNER: Okay.

20 MR. WILLIAMS: I drank too heavily.

21 MS. TANNER: Say again.

22 MR. WILLIAMS: I said I drank too heavily back
23 then. I drank every day.

24 MS. TANNER: Did you have a violent relationship
25 with Mattie Mae?

1 MR. WILLIAMS: Yeah. Because she loved fighting
2 and she loved starting fights, so we would fight.

3 MS. MATOIAN: Are all your instances of violence
4 whenever you've been arrested, with the exception of the
5 Arthur Wilson case and Blanche Bryson cases, have those been
6 with people that you knew? Are there other instances where
7 you were charged with violence against someone who was not
8 known to you?

9 MR. WILLIAMS: No. I've never been charged with
10 violence against somebody I've never known.

11 MS. MATOIAN: Was it mostly girlfriends?

12 MR. WILLIAMS: Sometime -- when I was coming up
13 here, my brother when I first met him -- when I first met my
14 two brothers, I was more violent towards them than anybody.

15 MS. MATOIAN: Were those biological brothers or
16 adopted brothers?

17 MR. WILLIAMS: Let me see how to explain this. I
18 had three brothers. And my mom -- I'm the old -- I'm the
19 next oldest. So she had three more -- three more kids
20 behind me. I never knew her. And when I first met her,
21 that's when I became extremely dissatisfied for some reason.

22 We stopped talking a couple years ago. But last
23 year, we stopped talking right after I had got my -- the
24 first attorney that was appointed for me for this. We
25 stopped talking because I can't (inaudible) stand her. I

1 couldn't -- don't even want to look at her.

2 Because it's one thing to have a kid and you give
3 him up for adoption, and then you end up with a disease and
4 all the doctors begging for your father's record so they can
5 try to help you, and she's saying she'll take his name to
6 the grave. And so we fell out. And I guess -- and I was
7 telling her I couldn't stand my brother's because I didn't
8 think they were my brothers anyway. We just couldn't get
9 along.

10 MS. TANNER: I'm sorry.

11 MR. WILLIAMS: I couldn't -- I couldn't beat but
12 one of them. One of them I can't touch. I hate to say it.
13 He's -- he has a good life. He's a lawyer. We just don't
14 get along (inaudible) at all.

15 MS. TANNER: I'm going to show you some
16 documents -- what exhibit are we on?

17 MS. MATOIAN: 49.

18 MS. TANNER: We're going to mark this as 49.

19 (Exhibit Number 49 was introduced.)

20 MS. TANNER: This is from the Mary Smith case.
21 These are police reports.

22 MR. WILLIAMS: Uh-huh.

23 MS. TANNER: So right here, starting at the bottom
24 of the first page of Exhibit 49, it's labeled number 12,
25 okay?

1 MR. WILLIAMS: Uh-huh.

2 MS. TANNER: There's a paragraph about what you --
3 they report that you told them, okay?

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: And that continues onto the second
6 page. I'm going to let you read that and then I have some
7 questions.

8 MR. WILLIAMS: All right.

9 (Pause.)

10 MR. WILLIAMS: No.

11 MS. TANNER: Okay. Hang on a second.

12 MR. WILLIAMS: All right.

13 MS. TANNER: So I'm going to go ahead and
14 represent to you --

15 MR. WILLIAMS: Okay.

16 MS. TANNER: -- and Brian can correct me if I'm
17 wrong.

18 MR. WILLIAMS: Okay.

19 MS. TANNER: But I have records that show me two
20 times --

21 MR. WILLIAMS: Uh-huh.

22 MS. TANNER: -- that you talked to the police
23 about Mary Smith.

24 MR. WILLIAMS: Uh-huh.

25 MS. TANNER: Okay?

1 MR. WILLIAMS: Uh-huh.

2 MS. TANNER: This is time one that I'm aware of.

3 MR. WILLIAMS: Which one?

4 MS. TANNER: And it is on 3/17.

5 MR. WILLIAMS: All right.

6 MS. TANNER: So you said to me -- you shook your
7 head. And what was your concern? What are you trying to
8 indicate by shaking your head and saying no after reading
9 this statement?

10 MR. WILLIAMS: 'Cause seem like -- they said
11 Little pushed her down here.

12 MS. TANNER: Uh-huh.

13 MR. WILLIAMS: No. He -- he never came on the
14 porch.

15 MS. TANNER: Okay.

16 MR. WILLIAMS: No.

17 MS. TANNER: So I want you to read this again --
18 well, let me ask this question first. You said at this
19 time, according to this report in Exhibit 49:

20 "Drayton said that he did not push Mary Smith down
21 the stairs, but he was aware that other people were saying
22 he had."

23 MR. WILLIAMS: I told them I did. I didn't hide.

24 MS. TANNER: Okay. I don't -- I'm going to say
25 what Brian says --

1 MR. WILLIAMS: Uh-huh.

2 MS. TANNER: -- I don't want to put words in your
3 mouth.

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: Do you ever recall telling the police
6 at any point that you did not push Mary Smith down the
7 stairs?

8 MR. WILLIAMS: No. I told them what I did.

9 MS. TANNER: Okay.

10 MR. WILLIAMS: I didn't hide it.

11 MS. TANNER: I'm going to give you this
12 highlighter.

13 MR. WILLIAMS: All right.

14 MS. TANNER: In this paragraph about your
15 statements to police, I want you to highlight for me
16 anything that is not an accurate fact as your understanding
17 of what happened with Mary Smith.

18 (Pause.)

19 MR. WILLIAMS: That didn't happen, right?

20 MS. TANNER: That did not happen.

21 (Pause.)

22 MS. TANNER: Okay. So I'm on the second page of
23 Exhibit 49 and what you've highlighted is this part that
24 says that:

25 "Willie Little came out onto the porch and began

1 to argue with Mary again so he moved Mary over to the post
2 at the corner of the porch where the steps started down to
3 the little landing which then led down a flight of stairs to
4 the street."

5 What is wrong with that fact?

6 MR. WILLIAMS: Because he didn't come -- even come
7 on the porch.

8 MS. TANNER: Little?

9 MR. WILLIAMS: Little didn't come on the porch.
10 There was only two on the porch, me and Mary.

11 MS. TANNER: Okay.

12 MR. WILLIAMS: That was that.

13 MS. TANNER: "He said" -- and I'll say that's
14 Drayton -- "said that Little kept arguing and was trying to
15 get Mary."

16 What's wrong with that fact?

17 MR. WILLIAMS: He wasn't on the porch to talk to
18 her. He was still in the house drinking.

19 MS. TANNER: Okay. "He said that he turned to
20 shove Little back, and while his back was turned, Mary
21 started down the stairs on her own."

22 What's wrong with that fact?

23 MR. WILLIAMS: No.

24 MS. TANNER: Okay. Tell me what's wrong about
25 that.

1 MR. WILLIAMS: He wasn't there. And the next
2 paragraph starts the truth at.

3 MS. TANNER: So this next paragraph that starts:
4 "He said that Mary took one step down" --

5 MR. WILLIAMS: Yeah.

6 MS. TANNER: -- "and then missed the next one and
7 fell head first from the landing down the rest of the
8 stairs."

9 MR. WILLIAMS: Yeah. 'Cause when I -- when I
10 shoved her, she missed that first step and that's when she
11 fell.

12 MS. TANNER: Okay. So that's true?

13 MR. WILLIAMS: Yeah. None of this is.

14 MS. TANNER: Okay. "And then he said that he went
15 down to her and saw she was hurt and went to the neighbor's
16 house and called an ambulance." Is that true?

17 MR. WILLIAMS: Yeah.

18 MS. TANNER: Okay.

19 MR. WILLIAMS: Because a girl in the house, she --
20 she seen me pushed her. Yeah, I shoved her because we was
21 arguing. But this up here, none of that's true because
22 he --

23 MS. TANNER: Okay. The highlighted --

24 MR. WILLIAMS: -- didn't come --

25 MS. TANNER: -- portion --

1 MR. WILLIAMS: -- out the house.

2 MS. TANNER: -- none of that's true?

3 MR. WILLIAMS: Yeah. He never came out the house.

4 MS. TANNER: And you said the girl that -- whose
5 house you went to saw you pushed her --

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: -- is that correct?

8 MR. WILLIAMS: Uh-huh.

9 MS. TANNER: Okay. This next line says:

10 "Drayton said that he -- it says that the -- "did
11 not push Mary Smith down the steps, but he was aware that
12 about other people were saying that he had."

13 MR. WILLIAMS: No. I knew I pushed her. I didn't
14 hide it.

15 MS. TANNER: Okay. Is that a correct fact or an
16 incorrect fact?

17 MR. WILLIAMS: Yeah. That's incorrect there.

18 MS. TANNER: Okay.

19 MR. WILLIAMS: And I went on and --

20 MS. TANNER: Will you highlight it if it's
21 incorrect?

22 (Pause.)

23 MS. TANNER: So you highlighted:

24 "Drayton said that he did not push Mary Smith down
25 the steps, but he was aware that people were saying that he

1 had"?

2 MR. WILLIAMS: Yeah.

3 MS. TANNER: That is incorrect?

4 MR. WILLIAMS: Yeah. Because I had pushed her. I
5 didn't -- didn't hide that.

6 MS. TANNER: Okay. This statement in Exhibit 49
7 is on 3/17/86.

8 MR. WILLIAMS: Uh-huh.

9 MS. TANNER: Okay. I'm going to show you
10 Exhibit 50.

11 (Pause.)

12 MS. TANNER: Again, it's about halfway down the
13 page. It says on 3/18/86 -- and this is another
14 conversation with you. So there's a conversation on 3/17
15 and this report represents a conversation on 3/18. I want
16 us to go through the same process, okay?

17 MR. WILLIAMS: All right.

18 MS. TANNER: It continues on a second page.

19 MR. WILLIAMS: All right.

20 MS. TANNER: I'm sorry.

21 (Pause.)

22 MS. TANNER: (Inaudible.)

23 (Pause.)

24 MS. TANNER: Okay. Thank you. Okay. Looking at
25 Exhibit 50 -- oh, thank you. I see some stuff up here at

1 the top. I think that's somebody else's statement. But
2 you've highlighted:

3 "Junior before he threw Mary off the porch."

4 What's incorrect with that?

5 MR. WILLIAMS: I didn't threw her off the porch.

6 MS. TANNER: What did you do?

7 MR. WILLIAMS: I had pushed her. Like I said, I
8 pushed her trying to get her to go down.

9 MS. TANNER: Okay. This says that:

10 "Junior had come up to her and told her that he
11 had thrown Mary off the porch."

12 What's wrong about that?

13 MR. WILLIAMS: I ain't threw her off the porch.

14 MS. TANNER: Okay. And then here again you've
15 highlighted this portion that says:

16 "He said that" -- and this is attributed to you --
17 "He said that Willie was on one side of him and Mary was on
18 the other."

19 What's wrong with that?

20 MR. WILLIAMS: Willie was never on the porch.

21 MS. TANNER: Okay. "He said that Willie was
22 between himself and the house and he kept pushing Willie
23 back towards the house."

24 MR. WILLIAMS: Yeah.

25 MS. TANNER: What's wrong with that?

1 MR. WILLIAMS: No. He wasn't even outside to see
2 anything.

3 MS. TANNER: Okay. Then you've highlighted on
4 page 2:

5 "And she went down to the landing and then started
6 back up."

7 What's wrong with that fact?

8 MR. WILLIAMS: No. She -- when she started going
9 on the landing, that's when I pushed her, so she fell from
10 there.

11 MS. TANNER: Okay.

12 MR. WILLIAMS: She never got back up.

13 MS. TANNER: She never got back up?

14 MR. WILLIAMS: No. She never got back up.

15 MS. TANNER: What you haven't highlighted is the
16 part that says that:

17 "He said that he was ready to tell the truth
18 because he wanted to get it all off of his chest." Was that
19 correct?

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: Okay. What were you ready to tell
22 the truth about?

23 MR. WILLIAMS: Because see, the way they had it at
24 first is that I picked her up and threw her. And so I went
25 and told them how it happened.

1 MS. TANNER: Okay.

2 MR. WILLIAMS: They had me picking her up and
3 slinging her. No, ain't no way.

4 MS. TANNER: Okay.

5 MR. WILLIAMS: That was that.

6 MS. TANNER: So you were telling the truth about
7 what had happened that night?

8 MR. WILLIAMS: Uh-huh.

9 MS. TANNER: And you were trying to correct what?

10 MR. WILLIAMS: What they're saying wasn't --
11 wasn't right. Because I was out there, I pushed her.

12 MS. TANNER: Okay.

13 MR. WILLIAMS: You know, I had no quarrels about
14 that.

15 MS. TANNER: What about this statement that's also
16 not highlighted on page 2 of 50 that says:

17 "He said that he had been afraid to tell me what
18 had happened the first time because he was afraid that he
19 would be charged with murder."

20 MR. WILLIAMS: Yep. I didn't take no -- I didn't
21 take no chances because that would -- that -- when he first
22 talked to me, he told me that -- that looks like murder. I
23 said, Like murder? I said, I just pushed her, man.

24 And he said that wasn't what he was told. He said
25 somebody said they seen me picked her up completely of the

1 ground and slung her.

2 MS. TANNER: Okay.

3 MR. WILLIAMS: That didn't come out right.

4 MS. TANNER: Okay. I don't want to put words in
5 your mouth. But your concern was that if you had picked her
6 up and slung her, that would be murder?

7 MR. WILLIAMS: That's murder. If you pick someone
8 up and do it like that. I wouldn't have done it like that.
9 The only thing I did was try to get her out of the house and
10 I got her to the steps and she started arguing with me and I
11 just pushed her, not to try to kill her or anything.

12 MS. TANNER: Okay.

13 MR. WILLIAMS: I just pushed her for her to go.

14 MS. TANNER: Okay. This also says that he
15 obtained -- that the officer obtained a second written
16 statement from Mr. Drayton.

17 MR. WILLIAMS: Yeah.

18 MS. TANNER: Explain that process to me.

19 MR. WILLIAMS: I don't know where he got the
20 second one from.

21 MS. TANNER: Okay. You remember one written
22 statement about Mary Smith?

23 MR. WILLIAMS: Uh-huh.

24 MS. TANNER: When did that written statement
25 happen? Was it before you were interviewed or after?

1 MR. WILLIAMS: After. It had to. Because they
2 took me downtown and questioned me about it. And I went
3 back and they set a court date for something. I can't
4 remember. I think it's after I was interviewed. And that
5 was it.

6 MS. TANNER: They did a written statement?

7 MR. WILLIAMS: Uh-huh.

8 MS. TANNER: Tell me the process for the written
9 statement in the Mary Smith case.

10 MR. WILLIAMS: They started talking about how it
11 happened and for me to write down how it happened.

12 MS. TANNER: Did you write that one?

13 MR. WILLIAMS: I think I did. I can't remember.

14 MS. TANNER: Okay. We talked about Mattie Mae
15 not -- couldn't get -- she couldn't get pregnant. So -- and
16 we've shown you your statements.

17 MR. WILLIAMS: Uh-huh.

18 MS. TANNER: So I'll represent to you -- and I'm
19 sure I can find it in this pile that I've got over -- that
20 there's a point in the Wilson case where Mattie Mae goes to
21 talk to Sammy Mitchell. Do you know anything about that?

22 MR. WILLIAMS: Uh-huh. Yes.

23 MS. TANNER: Tell me about it.

24 MR. WILLIAMS: That's supposed to be when she went
25 to try to get him to -- to confess more or less to -- and

1 she had -- she had something recorded.

2 MS. TANNER: Okay. And if in that conversation
3 Mattie Mae is talking about being pregnant, why would she do
4 that?

5 MR. WILLIAMS: I don't know. Heard about that
6 one.

7 MS. MATOIAN: You said --

8 MR. ZIEGLER: Have you ever heard of Mattie Mae
9 having kids?

10 MR. WILLIAMS: She had two because I knew her
11 after that.

12 MS. TANNER: I'm sorry.

13 MS. MATOIAN: Did she tell you what happened after
14 she had her two kids?

15 MR. WILLIAMS: No.

16 MS. MATOIAN: But she told you she couldn't get
17 pregnant anymore?

18 MR. WILLIAMS: She couldn't -- couldn't get
19 pregnant again.

20 MS. MATOIAN: Did you ever try to have kids with
21 her?

22 MR. WILLIAMS: Yeah. (Inaudible.)

23 MS. TANNER: Okay. I'm going to show you -- we're
24 just going to mark this whole packet, but I'm going to show
25 you a piece of it.

1 MR. ZIEGLER: That's -- that's two copies of the
2 same.

3 MS. TANNER: Okay. Two copies of the same. This
4 is Exhibit --

5 MS. MATOIAN: 51.

6 MS. TANNER: Thanks for helping me out.

7 (Exhibit Number 51 was introduced.)

8 MS. TANNER: So this is the transcript, okay? You
9 see how it's got the names Davis/Mitchell, Davis/Mitchell?

10 MR. WILLIAMS: Uh-huh.

11 MS. TANNER: So right down here -- did I just miss
12 it? I literally just had it. I can't read upside down.
13 There it is. See about middle of this page?

14 MR. WILLIAMS: Uh-huh.

15 MS. TANNER: Davis.

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: "My nerves is bad, Sammy. I'm
18 pregnant. I don't want to have my baby in prison and they
19 questioned me and everything."

20 MR. WILLIAMS: Hmm. I never knew about that.

21 MS. TANNER: When you were in the room with Mattie
22 Mae coming up with a story about Arthur Wilson was there a
23 discussion about a fact of her being pregnant?

24 MR. WILLIAMS: No.

25 MS. TANNER: Okay.

1 MR. WILLIAMS: Uh-uh.

2 MS. TANNER: Okay.

3 MR. WILLIAMS: No.

4 MS. TANNER: We talked a little bit about Mary
5 Smith or your belief that Mary Smith was an informant.

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: Was that only -- what case was that
8 for that she was an informant?

9 MR. WILLIAMS: Deborah Sykes.

10 MS. TANNER: Anything else?

11 MR. WILLIAMS: Uh-uh.

12 MS. TANNER: Sorry.

13 MR. ZIEGLER: Well, I guess I'll just --

14 MS. TANNER: Yeah. You're fine.

15 MR. ZIEGLER: We're not -- we're not --

16 MS. TANNER: No.

17 MR. ZIEGLER: Did -- did anyone ever tell you that
18 Mary Smith was an informant?

19 MR. WILLIAMS: No. Did somebody tell me, no.

20 MR. ZIEGLER: Going back to Exhibit 48, which is
21 that affidavit --

22 MR. WILLIAMS: Uh-huh.

23 MR. ZIEGLER: -- that you had signed, in the first
24 paragraphs here, you talk about being arrested --

25 MR. WILLIAMS: Uh-huh.

1 MR. ZIEGLER: -- on the manslaughter charge in
2 Mary Smith's death and you say Officer Spillman was asking
3 you questions.

4 "Then he started asking me a lot of questions
5 about the murder of Deborah Sykes. He told me that Mary
6 Smith was working for the police on that murder
7 investigation."

8 Did that happen?

9 MR. WILLIAMS: I don't remember saying that like
10 that. It's so long ago because I wrote so many things and I
11 didn't correct any of those things I wrote.

12 MR. ZIEGLER: Okay. I understand it's been a long
13 time, but do you -- do you acknowledge this affidavit is
14 something that you wrote and signed at the time?

15 MR. WILLIAMS: Yes.

16 MR. ZIEGLER: Okay. And is it just that you do
17 not recall right now --

18 MR. WILLIAMS: Uh-uh.

19 MR. ZIEGLER: -- whether anyone told you she was
20 an informant or you're sure --

21 MR. WILLIAMS: I just can't --

22 MR. ZIEGLER: -- that no one --

23 MR. WILLIAMS: -- remember. I'm not sure. I just
24 can't remember.

25 MR. ZIEGLER: Okay.

1 MS. TANNER: One of the things you mentioned early
2 on when we were talking about this was you said that there
3 was -- after the Mary Smith incident --

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: -- that there was a car that pulled
6 up to the house.

7 MR. WILLIAMS: Uh-huh.

8 MS. TANNER: Explain more to me about that. I
9 don't understand how that went.

10 MR. WILLIAMS: I don't know who it was because
11 they came to ask about what had happened to her. And I
12 still don't know who it was.

13 MS. TANNER: Was it police?

14 MR. WILLIAMS: No.

15 MS. TANNER: Okay. What did they look like?

16 MR. WILLIAMS: It's one female and a couple guys.
17 So I don't know if they were related to her or wanted to
18 know anything because I don't know them.

19 MS. TANNER: Okay. Were they like in suits?

20 MR. WILLIAMS: No.

21 MS. TANNER: Okay.

22 MR. WILLIAMS: They just driving like an older
23 car.

24 MS. TANNER: How soon after the incident, so how
25 soon after the pushing down the stairs did that car pull up

1 and come ask you about it?

2 MR. WILLIAMS: After -- it was after she died.

3 MS. TANNER: It was after she died?

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: So she died on the 17th and you're
6 arrested on the 19th --

7 MR. WILLIAMS: Uh-huh.

8 MS. TANNER: -- is it between those two days?

9 MR. WILLIAMS: Uh-huh. Right before they came and
10 got me.

11 MS. TANNER: And it was two -- a female and two
12 males?

13 MR. WILLIAMS: Males, uh-huh.

14 MS. TANNER: What did they ask you?

15 MR. WILLIAMS: They asked me -- they didn't know
16 who I was, so they asked me did I know anything about what
17 happened to Mary Smith. But I didn't get to say anything
18 because Mattie Mae started to come out talking about, Don't
19 answer those questions. And I went back in the house and
20 they drove off. I didn't know who they were. They were at
21 night when they did it.

22 MS. TANNER: Did Mattie Mae say anything else to
23 those people?

24 MR. WILLIAMS: No.

25 MS. TANNER: Okay. When they drove off did she

1 explain -- did Mattie Mae explain to you why she didn't want
2 you to talk to them?

3 MR. WILLIAMS: Uh-uh.

4 MS. TANNER: We were talking about the information
5 that was available to you in the neighborhood at the time
6 about Darryl Hunt and Sammy Mitchell. Tell more about that.

7 MR. WILLIAMS: About them --

8 MS. TANNER: Uh-huh.

9 MR. WILLIAMS: -- in the neighborhood? I don't
10 know if they worked. I didn't normally see them in the
11 daytime. I'd only see them in the evenings and night --

12 MS. TANNER: Okay.

13 MR. WILLIAMS: -- in the liquor house. Other than
14 that, I don't -- the daytime, I didn't see any of them like
15 that. Mostly nights.

16 MS. TANNER: Where would you see them at nights?

17 MR. WILLIAMS: At Ezelle. Over at the club across
18 from where I stayed at and that was it.

19 MS. TANNER: Was the club across from where you
20 stayed at a drink house?

21 MR. WILLIAMS: No, uh-uh.

22 MS. TANNER: It was something different?

23 MR. WILLIAMS: Something different, yeah. It
24 wasn't no liquor house. It was --

25 MS. MATOIAN: A place legally --

1 MR. WILLIAMS: -- actually a club.

2 MS. MATOIAN: -- authorized --

3 MR. WILLIAMS: Yeah. It was --

4 MS. MATOIAN: -- to sell alcohol?

5 MR. WILLIAMS: Yeah. It was legal. It was legal.

6 It was legal. Yeah, it was legal. They would frequent
7 there a lot. But they didn't start no trouble in there at
8 all. They didn't -- you could -- you could buy all you want
9 to drink, but if you got drunk, the bouncer would put you
10 out the first sight.

11 MS. MATOIAN: And who --

12 MS. TANNER: Okay. So there was like a bouncer --

13 MR. WILLIAMS: Yeah.

14 MS. TANNER: -- and a whole thing?

15 MR. WILLIAMS: Yeah.

16 MS. MATOIAN: Who ran that club?

17 MR. WILLIAMS: Oh, God. I can't think his name.
18 I can't think his name. He owned the club and a store, too.
19 Oh, man. I think he's dead now. His name was Verde. The
20 name of the club was Verde's Grill (phonetic). It's closed.
21 I think some people bought it out. But --

22 MS. MATOIAN: Who were the bouncers, do you
23 remember?

24 MR. WILLIAMS: No. It's -- oh, my God.

25 MS. TANNER: Mr. -- and I'm sorry. I've referred

1 to you as Mr. Williams. Is that how you go or is it
2 Mr. Drayton?

3 MR. WILLIAMS: No, Williams.

4 MS. TANNER: Williams. Okay.

5 MR. WILLIAMS: Yeah.

6 MS. TANNER: Mr. Williams, I know we have a lot of
7 -- we have some of the transcripts of some of the trials, so
8 I'm basing this on a representation of what I've reviewed,
9 okay? I'm going to represent to you that there were some
10 people that alleged they were at the drink house on the
11 night that Mr. Wilson died.

12 MR. WILLIAMS: Uh-huh.

13 MS. TANNER: And some of those people indicated
14 that Sammy Mitchell had an ax stick, and that that ax stick
15 came from the back yard of the drink house and he had
16 collected it at some point and just took it around with him
17 places. You knew Sammy Mitchell back in the early '80,
18 right --

19 MR. WILLIAMS: Uh-huh.

20 MS. TANNER: -- in 1983? Did Sammy Mitchell carry
21 around with him an ax stick?

22 MR. WILLIAMS: See if I can answer this. I'm
23 going to say no. But that stick may be the same thing a DA
24 had took from him in a case and took to his house. Because
25 he -- he mentioned a stick that he -- Sammy had a case where

1 he mentioned getting that stick and he still has the stick
2 representing what Sammy used to be like.

3 MS. TANNER: Who has the stick?

4 MR. WILLIAMS: Tisdale.

5 MR. ZIEGLER: How do you know about that?

6 MR. WILLIAMS: It was in an article. And matter
7 of fact --

8 MR. ZIEGLER: And when you say the "article," what
9 article are you talking about?

10 MR. WILLIAMS: I don't know if it's -- it's not
11 the first article that she wrote.

12 MR. ZIEGLER: Oh, you're talking about Phoebe
13 Zerwick's article?

14 MR. WILLIAMS: Uh-huh. She did -- did all that.
15 And he went on and on about how he, you know, hated her --
16 hated him and he was glad he got him off the street. And he
17 talked about this one time he arrested him and he got this
18 stick away from him. But I've never seen him tote a weapon
19 out there when I was around him.

20 MS. TANNER: Okay.

21 MR. WILLIAMS: He never toted a weapon at all, not
22 even a knife. Nothing.

23 MS. TANNER: Okay. So I'm going to back you up a
24 little bit because I hear what you're saying about Phoebe
25 Zerwick.

1 MR. WILLIAMS: Right.

2 MS. TANNER: But I want to go back to the -- the
3 1980s.

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: There are definitely some individuals
6 that at some point in 1986 are talking about what's
7 happening in 1983 and they say that Sammy Mitchell had an ax
8 stick. Your recollection is that you never saw him with an
9 ax stick --

10 MR. WILLIAMS: I've never seen him with -- no.

11 MS. TANNER: -- for any reason?

12 MR. WILLIAMS: No.

13 MS. TANNER: Okay.

14 MR. WILLIAMS: I ain't never seen him tote
15 anything.

16 MS. TANNER: Okay. Okay. Prior to -- we talked
17 about when you were in jail there was that one article that
18 you saw there and then when you were in prison you could get
19 the "Winston-Salem Journal" --

20 MR. WILLIAMS: Uh-huh.

21 MS. TANNER: -- in CP. They probably don't do
22 that -- they probably -- they won't give you a computer.
23 Maybe they still get the print paper, I don't know, at CP.

24 MR. WILLIAMS: We can order them.

25 MS. TANNER: Okay.

1 MR. WILLIAMS: We did up until the first of the
2 year. The first of this year we were getting them. We
3 don't get them anymore.

4 MS. TANNER: Before you went to jail on Mary
5 Smith's crime --

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: -- so that was May 19, 1980- --

8 MR. ZIEGLER: March.

9 MS. TANNER: March 19 --

10 MR. WILLIAMS: March 19, 1980- --

11 MS. TANNER: -- 1983 -- 6.

12 MR. ZIEGLER: '86.

13 MS. TANNER: '86.

14 MR. WILLIAMS: 6.

15 MS. TANNER: March -- let me get that right.

16 March 19, 1986, prior to that, when you were not in prison,
17 when you were not in jail, what kind of newspapers,
18 articles, journals did you read?

19 MR. WILLIAMS: I would read --

20 MS. TANNER: If any.

21 MR. WILLIAMS: -- a journal, but it was -- it was
22 a black paper that they had in Winston. It's a little
23 journal, I read that.

24 MS. BOYER: Can I?

25 MR. WILLIAMS: What's the name of it?

1 MS. BOYER: Did you get the "Chronicle"?

2 MR. WILLIAMS: The "Chronicle." I read the
3 "Chronicle."

4 MS. TANNER: Okay.

5 MR. WILLIAMS: And then besides the "Chronicle," a
6 black station, radio station would play back police reports
7 of crimes and then give us certain -- they'll say this or
8 that. Just like one radio station had that the police was
9 looking for the person who jumped into the back of the car
10 and he was speeding away after a murder. And that kid --
11 well, that's on another case. We'll talk about that
12 tomorrow.

13 MS. TANNER: That's okay. So when you were not in
14 jail or prison but you were at home, you had access to the
15 "Chronicle"?

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: And a radio station?

18 MR. WILLIAMS: Uh-huh.

19 MS. TANNER: Okay. Any other news sources that
20 you routinely --

21 MR. WILLIAMS: I guess you'd say the everyday
22 gossip.

23 MS. TANNER: Okay.

24 MR. WILLIAMS: That's the biggest thing.

25 MS. TANNER: That's a good news source sometimes.

1 MR. WILLIAMS: It's a bad one, too.

2 MS. MATOIAN: Did you have TV?

3 MR. WILLIAMS: Uh-huh.

4 MS. MATOIAN: Did you watch the news on TV?

5 MR. WILLIAMS: I don't watch TV like that. I
6 don't like TV like that. I hate to say it.

7 MS. TANNER: How did you get the "Chronicle"?

8 MR. WILLIAMS: The "Chronicle" was easy. You
9 could -- there was a store called Callamast (phonetic) store
10 which was -- our house is here and on the next street there
11 was a store right here. And you can just go there and get
12 it. I think it's tore down now. It was on 17th or 16th
13 Street.

14 MS. TANNER: How much did --

15 MR. WILLIAMS: It was there for years.

16 MS. TANNER: I'm sorry. How much did it cost?

17 MR. WILLIAMS: I don't know because when I'd go
18 in, I'd take Mattie Mae with me, she'd pick it up --

19 MS. TANNER: Okay.

20 MR. WILLIAMS: -- and we'd read it. So I just
21 don't really know. I can't remember.

22 MS. TANNER: So you -- it was you and Mattie Mae
23 would go down to that store and you'd buy the "Chronicle"?

24 MR. WILLIAMS: That's where we shopped. Yeah, we
25 shopped there a lot. It's a little corner store.

1 MS. TANNER: Okay.

2 MR. WILLIAMS: I can't remember the name of it.

3 MS. TANNER: What else did you shop for at that
4 store?

5 MR. WILLIAMS: We'd buy beer and stuff like that.

6 MS. TANNER: Okay.

7 MR. WILLIAMS: Nothing -- cigarettes.

8 MS. TANNER: Similarly to how I just talked you
9 about the ax handle -- and I'm -- I'm summarizing, okay --

10 MR. WILLIAMS: Uh-huh.

11 MS. TANNER: -- because we've got some pages and
12 pages of testimony. In 1986 when there was a probable cause
13 hearing, when there was a trial of Sammy Mitchell, there are
14 some individuals from the drink house that say that
15 Mr. Wilson and you and Sammy Mitchell and Darryl Hunt were
16 at the drink house that night. So I want to understand if
17 you were at the drink house on September 17, 1983?

18 MR. WILLIAMS: No. The only way I would know that
19 man is he walk before me now because I seen his face.
20 Before then, before I seen this piece in the paper, unless I
21 got to (inaudible), I would never have known him.

22 MS. TANNER: Okay. So you don't know -- or you --
23 you know now, but at the --

24 MR. WILLIAMS: Uh-huh.

25 MS. TANNER: -- time --

1 MR. WILLIAMS: No.

2 MS. TANNER: -- you wouldn't have known --

3 MR. WILLIAMS: No.

4 MS. TANNER: -- who Mr. Wilson was?

5 MR. WILLIAMS: No.

6 MS. TANNER: So you wouldn't have recognized him
7 at the drink house?

8 MR. WILLIAMS: Uh-uh.

9 MS. TANNER: Okay. Now I'm going to ask the same
10 question. How about you, were you at the drink house that
11 night?

12 MR. WILLIAMS: No.

13 MS. TANNER: Okay. How do you know that?

14 MR. WILLIAMS: Because the way they stated it -- I
15 can't put a date on this at all. I wish I could. I went
16 back since I've been locked up trying to put a date to this.
17 I know that something happened on Claremont. I don't know
18 if it was this what we're talking about, but I wasn't with
19 Mattie Mae. I actually was with Yvette. And she was going
20 to visit somebody. And an ambulance and a bunch of people
21 was in the street. And I couldn't place if this what
22 happened or something else happened there.

23 In fact, we came off of -- came off of 19th Street
24 to go that way and it's a lot of blinking lights. And she
25 said, Something happened. We didn't never go further to see

1 what it is, so I don't know if that's what happened. But I
2 know good and well I wasn't there and I don't even know him.

3 MS. TANNER: Okay.

4 MR. ZIEGLER: But would you -- would -- you did
5 say earlier you would go to that drink house regularly --

6 MR. WILLIAMS: Well --

7 MR. ZIEGLER: -- is that -- is that correct?

8 MR. WILLIAMS: Two or three times a week, you
9 know.

10 MR. ZIEGLER: Okay.

11 MR. WILLIAMS: But --

12 MR. ZIEGLER: Could you have been there that night
13 before any of this popped off?

14 MR. WILLIAMS: I'm going to say I don't know. I
15 can't remember if I did. But I know I wasn't -- wasn't
16 there with Sammy when something like that happened.

17 MR. ZIEGLER: Were you at the drink house that
18 night where -- and later you were with Yvette and saw the
19 ambulance? That night you saw the ambulance with Yvette
20 were you at the drink house that night?

21 MR. WILLIAMS: No. We wasn't -- no. We was going
22 someplace. We weren't going near that. We had to go past
23 them to get to where we was going to. But we didn't never
24 get all the way up on the ambulance. It's just like 19th
25 Street and when you get to Claremont to turn this way, we

1 sitting right here on the corner. We seen all the lights
2 and people. We never went down there 'cause we were going
3 someplace. And I can't --

4 MR. ZIEGLER: Did you ever go on Claremont Street
5 that night?

6 MR. WILLIAMS: No. We didn't go on Claremont --

7 MR. ZIEGLER: You can --

8 MR. WILLIAMS: -- we was going someplace else.

9 MR. ZIEGLER: So you stayed straight down
10 19th Street?

11 MR. WILLIAMS: Yeah. We just went straight down
12 19th.

13 MS. TANNER: And you were with?

14 MR. WILLIAMS: Yvette.

15 MS. TANNER: Okay. Why were you with her instead
16 of Mattie Mae that night?

17 MR. WILLIAMS: It's complicated.

18 MS. TANNER: It sounds like it.

19 MR. WILLIAMS: Don't make me laugh. It's hard.
20 Sometimes you -- put it this way. I tried to go with two
21 girls at one time, two females at one time. Skip one and
22 run to the other. And that's how that -- that's how --
23 really how that relationship was with all three of us. If
24 one get mad, you know, you just go on to the next one.

25 MS. TANNER: Okay.

1 MR. WILLIAMS: And so...

2 MS. TANNER: During this time period in -- and let
3 me check with you. When were you trying to be with Mattie
4 Mae and -- is it Yvette?

5 MR. WILLIAMS: Yvette.

6 MS. TANNER: Yvette. Okay. When was that
7 happening? Was that in 1983, 1985, 1986? I'm trying to
8 understand the timeline.

9 MR. WILLIAMS: I was with Yvette before I ever met
10 Mattie Mae. And it somewhat grew crazy. It just that I'm
11 with one today and that -- I might be with her for a week
12 and she'd get mad or something and the other one show up.
13 But that's the way it went. They know each other. And
14 Yvette hated her.

15 MS. TANNER: Hated Mattie Mae?

16 MR. WILLIAMS: She hated her.

17 MS. MATOIAN: I'm sure.

18 MR. WILLIAMS: No. Now she had got pregnant.
19 Yvette got pregnant and had a little baby boy. And the
20 argument was it mine. And I -- you know, I went to the
21 hospital and stuff and seen him a lot. And I had done moved
22 in with Mattie Mae. It just happens so one night she brings
23 the baby and leaves it with me so she can get a -- get a
24 break. And that didn't really set well. I got somebody
25 else's baby in the house and mine. She didn't like that.

1 That was somewhat -- that was --

2 MS. TANNER: Okay. So I'm going to go back to
3 your arson charge and you're in -- or you're in prison for
4 the house burning --

5 MR. WILLIAMS: Uh-huh.

6 MS. TANNER: -- incident.

7 MR. ZIEGLER: I have one question --

8 MS. TANNER: Yes. Please (inaudible), yeah.

9 MR. ZIEGLER: -- about Yvette, while you're
10 talking about Yvette. Did you ever tell her that you killed
11 somebody in South Carolina?

12 MR. WILLIAMS: No. No. South Carolina. I ain't
13 never killed nobody, period, until this thing --

14 MR. ZIEGLER: Okay.

15 MR. WILLIAMS: -- happened with her.

16 MR. ZIEGLER: Separate from whether you actually
17 did that, did you ever tell her you did that?

18 MR. WILLIAMS: No. Uh-uh. I didn't play like --
19 because when I was there I had to stay straight. I kinda
20 had a strict family. We didn't -- I didn't get to do that
21 running around and violence and stuff. I really never got
22 violent until I moved. You know, that's when I first got
23 violent. Other than that, no.

24 Yvette was all right. She was -- actually, she
25 was kind. She understood a little better, but we just -- we

1 just didn't see eye to eye on a lot of stuff.

2 MS. TANNER: When you were in prison for the arson
3 charge, did you start your relationship with Yvette before
4 or after that?

5 MR. WILLIAMS: Before.

6 MS. TANNER: Before?

7 MR. WILLIAMS: Uh-huh.

8 MS. TANNER: How about with Mattie Mae?

9 MR. WILLIAMS: Mattie Mae started before I went.
10 In fact, Yvette had a house on 18th. And she got pregnant,
11 she went to the hospital. That's when I met Mattie Mae and
12 that's when that started off right then.

13 MS. TANNER: And that was before you went to
14 prison --

15 MR. WILLIAMS: Uh-huh.

16 MS. TANNER: -- for the arson?

17 MR. WILLIAMS: Before.

18 MS. TANNER: And when you came out of prison for
19 the arson, were you dating both of them at the same time as
20 we've described?

21 MR. WILLIAMS: No.

22 MS. TANNER: Tell me about that.

23 MR. WILLIAMS: No. I came out, I went to see
24 Mattie Mae. And I had been out a couple of days and I told
25 my friend I was going to go see her. But when I went to go

1 see her, her mom told me where she was at. So when I went
2 to see where she was at, she was with Sammy brother. So all
3 -- that's when all stink broke loose. He didn't like me and
4 I didn't like him. We didn't fight or anything. I just --
5 I just told her to get her stuff and let's go.

6 MS. TANNER: Okay.

7 MR. WILLIAMS: And that was it.

8 MS. TANNER: And you didn't have a relationship
9 with Yvette after that?

10 MR. WILLIAMS: No. I seen her --

11 MS. TANNER: Okay.

12 MR. WILLIAMS: -- a lot. In fact, I seen her the
13 night before I went and got locked up for all this. Because
14 she came to the house on 19th Street and -- I want to say --
15 man, she just -- she just came in and said, I need to talk
16 to you, and we left. And she told me that I was going to
17 prison for the rest of my life if I stayed with Mattie Mae.
18 And guess what? I went.

19 MS. TANNER: Why did she say that to you?

20 MR. WILLIAMS: I don't know.

21 MS. TANNER: Okay.

22 MR. WILLIAMS: She just said, I hate to say it,
23 you're going to go to jail for the rest of your life if you
24 don't get away from that woman. And I did.

25 MS. MATOIAN: And just to be clear. What they

1 were just talking about where you were saying you were not
2 at the drink house that night, you're basing that on that
3 being the same night that you saw those ambulances when you
4 were on that corner with Yvette?

5 MR. WILLIAMS: No. On the scene, I don't know if
6 that was the night when I seen the ambulance that happened.

7 MS. MATOIAN: But you're saying that that night
8 when you saw those ambulances, you had not been to the drink
9 house that night?

10 MR. WILLIAMS: Uh-uh.

11 MS. MATOIAN: Okay.

12 MR. WILLIAMS: No, I had never been to the drink
13 house that night.

14 MS. TANNER: You said to us that Darryl and Sammy
15 would get wild. What would they do?

16 MR. WILLIAMS: Act more like kids doing stupid
17 stuff.

18 MS. TANNER: Like what?

19 MR. WILLIAMS: Grabbing women, getting mad with
20 them and knock their drinks out their hand. Just obnoxious
21 stuff to piss them off, that's all.

22 MS. TANNER: Did Darryl and Sammy ever steal money
23 from people?

24 MR. WILLIAMS: I've never seen them steal money,
25 so I can't answer that.

1 MS. TANNER: Okay. How did you become aware of
2 the possibility that you could assist police with the drug
3 issue? You talked about that -- that person you knew. The
4 reason you helped the police out --

5 MR. WILLIAMS: That was in another --

6 MS. TANNER: -- as an informant with drugs --

7 MR. WILLIAMS: That was another -- that was
8 another county --

9 MS. TANNER: Okay.

10 MR. WILLIAMS: -- years before that.

11 MS. TANNER: It was years -- so you never -- so
12 you never --

13 MR. WILLIAMS: No. I --

14 MS. TANNER: -- did that --

15 MR. WILLIAMS: No.

16 MS. TANNER: -- in Winston-Salem with that?

17 MR. WILLIAMS: No.

18 MS. TANNER: Okay. So in that other county though
19 with the drugs where you helped police, how did you become
20 aware that you could do that?

21 MR. WILLIAMS: I had knowed -- I knew one guy
22 worked at the police department and he'd -- we'd be together
23 and he'd just tell me, he said, Man, you -- he said, You see
24 anything go down with drugs and kids, let me know. There's
25 just this one kid, he just do stupid stuff.

1 MR. ZIEGLER: When you say you knew someone who
2 worked at the police department, are you talking about you
3 knew a cop or are you talking about you knew somebody who
4 was working with them as an informant?

5 MR. WILLIAMS: No, no, no. I knew a cop worked
6 there, that's all.

7 MR. ZIEGLER: Okay.

8 MR. WILLIAMS: No. I ain't know nobody know that.

9 MS. TANNER: Okay. When was the first time you
10 heard about Arthur Wilson's death?

11 MR. WILLIAMS: Let's see how I say this. This was
12 after I came back from prison. I heard everybody talking
13 about it. Before I went -- I -- I never heard of it before
14 I went to prison. That's what's so strange --

15 MS. TANNER: Before you went --

16 MR. WILLIAMS: -- they would talk about it --

17 MS. TANNER: -- to prison for the arson charge?

18 MR. WILLIAMS: Yeah. I never heard about it.

19 MS. TANNER: Okay. After you came back, you heard
20 people --

21 MR. WILLIAMS: Uh-huh.

22 MS. TANNER: -- talking about it?

23 MR. WILLIAMS: Yeah.

24 MS. TANNER: What facts did you learn after you
25 came back from prison from the arson charge about the Arthur

1 death?

2 MR. WILLIAMS: The only thing I know, he was just
3 killed on Claremont and that was it.

4 MS. TANNER: Okay.

5 MR. WILLIAMS: I was seeing what people -- gossip
6 people talk about.

7 MS. TANNER: You made a comment -- and I'm
8 paraphrasing because I don't have a court reporter to read
9 it back to me -- but when Brian was talking to you about the
10 statements that you made to police about Arthur Wilson, you
11 said you made a lot of statements and the statements started
12 to fit. What did you mean by that?

13 MR. WILLIAMS: Just like I'm talking to them and
14 it didn't sound right and we'll go start over again until it
15 seemed like this part actually fits this part over here and
16 we kept going.

17 MS. TANNER: How did you know it didn't sound
18 right?

19 MR. WILLIAMS: 'Cause they'd keep saying, No, it
20 couldn't happen that way.

21 MS. TANNER: Who said that?

22 MR. WILLIAMS: The police. So we just kept --
23 'cause we stayed -- talk sometime hours, you know.

24 MS. TANNER: When you talked to them about the
25 Mary Smith case --

1 MR. ZIEGLER: I'm -- I'm sorry, Beth.

2 MS. TANNER: Go ahead.

3 MR. ZIEGLER: I have one follow-up on that.

4 During those conversations, if you would say
5 something and the detective would say, no, it couldn't have
6 happened that way --

7 MR. WILLIAMS: Uh-huh.

8 MR. ZIEGLER: -- what would you say next? What's
9 your response to that?

10 MR. WILLIAMS: He would say, well, why -- so and
11 so say this, so why you change it, you know what I mean?
12 He'd give some like -- a hint of something and I'd just go
13 from what he'd give me and put it into the story.

14 MR. ZIEGLER: So you would say something different
15 then based on what he said?

16 MR. WILLIAMS: Uh-huh.

17 MR. ZIEGLER: Okay.

18 MS. TANNER: I want to compare that -- your
19 experience in providing statements to police in Arthur
20 Wilson to your experience in Mary Smith.

21 In Mary Smith, did it ever happen that police said
22 to you, nope, like what you just described, that isn't quite
23 right?

24 MR. WILLIAMS: No. Because when I talked to them
25 -- the second time I talked to them, I said, Look, the

1 bottom line is, yeah, I pushed her. I didn't throw her down
2 those steps.

3 And actually, the first time, you gotta remember,
4 they didn't charge me with it. They threw the charge out.
5 The charge didn't come again until after I was convicted of
6 the last murder. That's when the charges came back because
7 they had threw them out.

8 And the lawyer had came and told me, said, Well,
9 they're going to stay out. But then as soon as it was over
10 with, I was getting ready to go to Raleigh, they come back.
11 He said, No, they decided they want to go ahead and charge
12 you with this so they can take care of it.

13 MS. TANNER: Okay. When you came out of prison
14 for the arson crime and started hearing about Arthur
15 Wilson's death, what did people call him when they would
16 talk to you about his death?

17 MR. WILLIAMS: They -- they just call him Art.
18 Most people just called him Art.

19 MS. TANNER: Okay. We talked about you having a
20 meeting with Mattie Mae Davis in a room.

21 MR. WILLIAMS: Uh-huh.

22 MS. TANNER: Whose idea was that meeting?

23 MR. WILLIAMS: The police because they said I had
24 to make sure -- they wanted the stories collaborate. They
25 said, Well, you -- you better get with your girlfriend and

1 make sure you all sort of collaborate because right not it
2 just don't sound right.

3 And we talked. I think we talked for a little
4 while. It was over an hour in there.

5 MR. ZIEGLER: Do you recall who said that to you?

6 MR. WILLIAMS: No. It's just one detective that
7 he was just --

8 MR. ZIEGLER: Was it a female or a male?

9 MR. WILLIAMS: Male.

10 MR. ZIEGLER: What race was he?

11 MR. WILLIAMS: White.

12 MR. ZIEGLER: It was a white male detective that
13 told you to get in there and --

14 MR. WILLIAMS: Uh-huh.

15 MR. ZIEGLER: Okay.

16 MR. WILLIAMS: The female, she -- after the state
17 -- after my statement and they started on processing it to
18 do the charges, she became distant. Like she didn't want
19 anything to do with it. She became real distant. You know,
20 she wasn't just like we are now, just everybody here trying
21 to do it at one time. She wasn't like that. At first she
22 was, and then she just started to seem to get into
23 withdrawal mode from it; didn't want to talk about it. You
24 know, she didn't show up, started not seeing her at all.
25 And that was strange.

1 MS. TANNER: Before today when we've talked, have
2 you ever told anyone else about being told to go in a room
3 with Mattie Mae Davis and get your stories straight?

4 MR. WILLIAMS: No. I told -- the only people I
5 told is y'all because I wrote it in my questionnaire and
6 that was it.

7 MS. TANNER: Why didn't you tell anybody else
8 before?

9 MR. WILLIAMS: Nobody wouldn't believe me.

10 MS. TANNER: How about your lawyers?

11 MS. MATOIAN: No. They wouldn't believe nothing.

12 MR. ZIEGLER: What did you think about that at
13 that time?

14 MR. WILLIAMS: What?

15 MR. ZIEGLER: About being told to go in a room
16 with Mattie Mae.

17 MR. WILLIAMS: Just -- I just went. I didn't try
18 to cipher anything.

19 MR. ZIEGLER: I mean did you have any thoughts
20 about that?

21 MR. WILLIAMS: No.

22 MS. TANNER: You made -- this is another comment.
23 And again, I'm just probably summarizing it. I should have
24 probably stopped at the time and asked. But I think you
25 said to Brian that you felt bad because you had made

1 95 percent of this whole story up about Arthur Wilson. What
2 5 percent of it was true?

3 MR. WILLIAMS: Just him getting killed and -- or
4 the car and thing, you know.

5 MS. TANNER: That what now?

6 MR. WILLIAMS: The car.

7 MS. TANNER: The car thing?

8 MR. WILLIAMS: Uh-huh.

9 MS. TANNER: How did you know about the car thing?

10 MR. WILLIAMS: I was asked about that when I was
11 -- when I was being questioned, which way we ran and stuff
12 like that, so I answered it.

13 MS. TANNER: Okay. As to the attorneys you had,
14 the first two attorneys, the African-American gentlemen --

15 MR. WILLIAMS: Uh-huh.

16 MS. TANNER: -- if they put in a pleading that you
17 didn't want them to be their attorneys, would that be
18 incorrect -- or to be your attorneys, would that be
19 incorrect?

20 MR. WILLIAMS: No. They really was ready to get
21 off the case after I implicated myself in the second murder.
22 That's when they wanted to get off.

23 MS. TANNER: And if one of those attorneys has a
24 recollection that at a hearing about their motion to
25 withdraw the judge questioned you about why you would not

1 want two African-American lawyers, would you dispute that
2 recollection?

3 MR. WILLIAMS: Yeah. If he used race I would.

4 MS. TANNER: Okay. So you do not recall having an
5 issue with those two attorneys because they were black?

6 MR. WILLIAMS: No. It just -- I had an issue with
7 what they're trying to do. They're trying to plead me out
8 quickly. They wanted to go really quickly and plead me on
9 out. Before everybody else got tried, I could have pleaded
10 on out.

11 MS. TANNER: Do you recall having a concern that
12 the black community would put some kind of pressure on these
13 two black attorneys and so you wanted white attorneys?

14 MR. WILLIAMS: No. The one thing that did
15 happen -- and I don't know what happened to it -- I did get
16 a letter in jail, no name, and it was some mess written in
17 it. I told my attorneys and then it never showed back up.

18 MS. TANNER: What letter?

19 MR. WILLIAMS: It was a letter written from
20 somebody and it was about the case.

21 MS. TANNER: About what case?

22 MR. WILLIAMS: Wilson's case.

23 MS. TANNER: What did it say?

24 MR. WILLIAMS: It was talking about they didn't
25 believe we did it. And I turned it over to my attorneys,

1 but it never showed back up. I didn't keep it. I went to
2 them with it. And they said, Well, just give it to us. And
3 I gave it to them and I never seen it again.

4 MS. TANNER: Were there any threats in that
5 letter?

6 MR. WILLIAMS: No.

7 MS. TANNER: Okay.

8 MR. ZIEGLER: Which attorneys did you have at that
9 time?

10 MR. WILLIAMS: The last two. And right after I
11 changed attorneys, I got that letter.

12 MS. TANNER: The white attorneys?

13 MR. WILLIAMS: Uh-huh.

14 MS. TANNER: Okay. You wrote a letter to the --
15 to DOJ. How did you know to do that?

16 MR. WILLIAMS: I was -- being in here, you know, a
17 lot of guys that's doing what you call illegal law work --
18 that's what they call it in here because you get -- you can
19 get fined for it and go to jail up in here for it -- told
20 me, said, The best way to handle it, just recant. But you
21 need to write somebody who will listen. They said, Don't
22 write it to the State because they're not going to listen.
23 And I did. And I don't know where it went to.

24 MS. TANNER: So you wrote -- you understood you
25 needed to write it to the U.S., the big U.S. DOJ, not the

1 State DOJ?

2 MR. WILLIAMS: Uh-huh.

3 MS. TANNER: Okay. And with that letter, you put
4 in a 15-page affidavit?

5 MR. WILLIAMS: No, not with that one. I don't
6 know where the other affidavits went to.

7 MS. TANNER: Okay.

8 MR. WILLIAMS: It was actually typed, too.

9 MS. TANNER: Okay. So there was a letter to the
10 U.S. DOJ?

11 MR. WILLIAMS: Uh-huh.

12 MS. TANNER: There was a 15-page affidavit and
13 then there was --

14 MR. WILLIAMS: Yeah.

15 MS. TANNER: -- an affidavit we've already shown
16 you today?

17 MR. WILLIAMS: Uh-huh. The one you got. So I
18 don't know what happened to -- to the affidavits and the
19 other letter to the Justice Department. There was a mention
20 by Phoebe in her report when she did it, but that was it.

21 MS. TANNER: Sure. So other than that letter to
22 the Justice Department, that 15-page affidavit, the
23 affidavit we've already shown you and any other documents
24 that we've shown you in here, did you write any letters or
25 affidavits or other statements that recanted what you had

1 said?

2 MR. WILLIAMS: No. Except for the people I told.

3 MS. TANNER: Okay.

4 MR. ZIEGLER: Do you recall ever writing any
5 letters to Darryl Hunt's supporters?

6 MR. WILLIAMS: Uh-uh.

7 MR. ZIEGLER: Did you know Darryl Hunt had
8 community groups that were out there supporting him?

9 MR. WILLIAMS: Uh-huh.

10 MR. ZIEGLER: Did you ever speak with those
11 groups?

12 MR. WILLIAMS: No.

13 MR. ZIEGLER: Did you ever -- did you know of a
14 Reverend Mendez?

15 MR. WILLIAMS: Yes.

16 MR. ZIEGLER: Did you ever contact him?

17 MR. WILLIAMS: Now, I think I did. I don't know.
18 I thought I had wrote him a letter, but I don't know if I
19 did or not.

20 MR. ZIEGLER: Okay. So you just said you didn't
21 write any letters.

22 MR. WILLIAMS: I'm saying I --

23 MR. ZIEGLER: And now you say you think you did
24 write a letter.

25 MR. WILLIAMS: Yeah. When you said that name, I

1 think I may have written him a letter, but I don't know if I
2 did or not.

3 MR. ZIEGLER: Okay.

4 MR. WILLIAMS: Because I had his name and a bunch
5 of other people names, and I don't know if -- how many
6 people I could have written because I don't remember writing
7 no letters to anybody.

8 MR. ZIEGLER: Did you know someone named Khalid
9 Griggs? Imam, Imam Khalid Griggs.

10 MR. WILLIAMS: Yeah. He's an Imam Khalid in
11 Winston. I know of him, but I don't know him.

12 MR. ZIEGLER: Did you ever reach out to him?

13 MR. WILLIAMS: No.

14 MR. ZIEGLER: Did you ever write him a letter?

15 MR. WILLIAMS: No.

16 MS. TANNER: Why are you shaking your head about
17 that, that you would have never written him a letter?

18 MR. WILLIAMS: Because he is a Muslim.

19 MS. TANNER: Okay.

20 MR. WILLIAMS: No.

21 MS. TANNER: So you would not have written a
22 Muslim?

23 MR. WILLIAMS: (No verbal response.)

24 MS. TANNER: Okay. And -- and why is that? Just
25 help us understand.

1 MR. WILLIAMS: It's not being afraid of him. Our
2 belief is different. And some -- and Islam is radical at
3 some point and becomes radical. And I try to stay away from
4 that as much as possible.

5 MS. TANNER: Okay.

6 MR. ZIEGLER: Did you feel that way in 1986?

7 MR. WILLIAMS: What, with dealing with Muslims?

8 MR. ZIEGLER: Yeah.

9 MR. WILLIAMS: Well, I was -- when I was on state,
10 I dealt with some and they just didn't -- I try to stay away
11 from them.

12 MR. ZIEGLER: Just to be clear, when I'm asking
13 about letters now, I'm talking about back then around the
14 time this was happening.

15 MR. WILLIAMS: Uh-huh.

16 MR. ZIEGLER: Okay. Did you feel that way then,
17 that you would never write a letter to a Muslim --

18 MR. WILLIAMS: Uh-huh.

19 MR. ZIEGLER: -- back in the '80s? Okay.

20 MR. WILLIAMS: I still feel the same way.

21 MS. TANNER: Okay. I had a question there and now
22 I lost it. But you said that Sammy Mitchell became
23 institutionalized. What does that mean?

24 MR. WILLIAMS: Oh, I hate saying it like this. I
25 thought about it last night, this question never came up. A

1 lot of guys come in and they lose themselves in the system.
2 And certain things you'll get into that's not your
3 lifestyle, but if you get caught into it, it's like a web,
4 you can't get out.

5 Well, when I seen Sammy, he was all right. Two
6 years later, he was at another camp. And somebody came from
7 there and said, Well, Sammy is no longer Sammy.

8 I said, What's wrong with him? Because he had
9 become a homosexual. And that changes his whole --
10 everything went out the window. He didn't never recover
11 from that. I mean he was in his withdrawal.

12 A lot of people from Winston had come from other
13 camps here and I had seen them. They talk about, Listen,
14 man, he's out of control.

15 I say, What?

16 They say, He's out of control.

17 When I was at Brown Creek --

18 MR. ZIEGLER: Out of control how?

19 MR. WILLIAMS: When you get in -- that lifestyle
20 is -- is crap. People get in a lifestyle and they stay in
21 it.

22 MS. TANNER: You mean -- I'm sorry. I just want
23 to be clear. You mean homosexual lifestyle?

24 MR. WILLIAMS: Yeah.

25 MS. TANNER: Okay.

1 MR. ZIEGLER: So I mean --

2 MR. WILLIAMS: In here.

3 MR. ZIEGLER: -- when someone said "He's out of
4 control," what did that mean?

5 MR. WILLIAMS: Well, you got guys that I guess you
6 call them have harem of whatever you wants to call them in
7 here and they mess with a bunch of people. And they get so
8 comfortable with that. If you're their brother -- you're
9 not a brother to them no more. They're gone this way and
10 they just blocked everything else out. So once you become
11 comfortable in that environment, anything else around you,
12 you don't care about. You just let it go.

13 At first he wanted to get out and he started just
14 being a homosexual. That was it. His mind was just gone.
15 He didn't care about nothing else.

16 A lot of guys from Winston that had been down
17 before I fell knew him when he was still a baby, was on the
18 camp when they tried to get him to quit that. And his mind
19 was that, it's okay, I'm all right. He didn't care about
20 getting out, you know, so...

21 MS. TANNER: He didn't care about getting out of
22 prison because of that? Okay.

23 MR. WILLIAMS: Yeah. He done -- he done give up.

24 MS. TANNER: You said you knew you were called to
25 trial for Darryl Hunt. Was that his -- do you know which

1 trial that was?

2 MR. WILLIAMS: The second one.

3 MS. TANNER: Okay. And you recall being called by
4 the State?

5 MR. WILLIAMS: State.

6 MS. TANNER: How do you know that you were called
7 by the State?

8 MR. WILLIAMS: Some -- two people from the DA's
9 office was there.

10 MS. TANNER: Two people from the DA's office were
11 where?

12 MR. WILLIAMS: Came to the jail to see me.

13 MS. TANNER: Came to the jail to see you --

14 MR. WILLIAMS: Yeah.

15 MS. TANNER: -- when?

16 MR. WILLIAMS: The same day I got there they were
17 notified the day of the trial. They took me in a room and
18 talked to me, said, We're getting ready to go in. And I got
19 on -- they put me on the stand.

20 MS. TANNER: Tell me about the conversation that
21 happened there.

22 MR. WILLIAMS: They just basically said we just
23 brought you here to testify to what's happening in the case
24 and that was it.

25 MS. TANNER: At that --

1 MR. WILLIAMS: And --

2 MS. TANNER: I'm sorry. Go ahead.

3 MR. WILLIAMS: And that's all he talked about and
4 went on.

5 MS. TANNER: At that meeting, did you ever say to
6 those two DAs or lawyers, hey, this didn't happen?

7 MR. WILLIAMS: Uh-uh.

8 MS. TANNER: Okay.

9 MR. ZIEGLER: Why not?

10 MR. WILLIAMS: It's been many time I wanted to,
11 but I couldn't even find to do it. There's a lot of time I
12 wanted to just say, no, this is not going to work.

13 MS. TANNER: I know that you -- I know that the
14 prison has a lot of rules about documentation and how much
15 documents you can have and the bags they can be kept in and
16 all kinds of things.

17 MR. WILLIAMS: Uh-huh.

18 MS. TANNER: How -- do you have any documentation
19 from this case that you haven't already sent to us?

20 MR. WILLIAMS: No.

21 MS. TANNER: Okay.

22 MR. WILLIAMS: I sent you everything I had.

23 MS. TANNER: Do you know anybody, like a friend, a
24 family member, that has documentation like that you -- when
25 the prison says, listen, you -- you've got too much in your

1 cell, you've got to mail that back, do you have anybody like
2 that that has documentation that holds it for you?

3 MR. WILLIAMS: Uh-uh.

4 MS. TANNER: Okay. Tell me about talking to
5 Phoebe Zerwick. Did she approach you or did you know about
6 her?

7 MR. WILLIAMS: No. I didn't know about her.

8 MS. TANNER: Okay.

9 MR. WILLIAMS: I was at Brown Creek and they told
10 me I was going to have a visitor and they didn't say who.
11 Well, the day before, they called me in and explained to me,
12 Look, it's a reporter. She wants to talk to you about your
13 murder cases.

14 And when she came in, she started talking about
15 that, asking me questions about it, you know. She went
16 through everything. And I told her what happened and
17 everything, what I had did. And she left and she came back.
18 And that was strange, she came back a second day. She said,
19 We talk some more. She's doing like what y'all did. She's
20 coming -- she came back the next time to talk about
21 Ms. Bryson.

22 MS. TANNER: Okay.

23 MR. WILLIAMS: We did that and she wrote
24 everything down. And she came back the last time is when
25 she started telling me, You know, I know who -- who did --

1 who killed Ms. Bryson. It wasn't you.

2 MS. TANNER: Did she tell you who that was?

3 MR. WILLIAMS: Yeah.

4 MS. TANNER: Who?

5 MR. WILLIAMS: Carmichael. Yeah.

6 MS. TANNER: Did she give you any other names
7 involved in that?

8 MR. WILLIAMS: No. I accidentally -- I did meet
9 Carmichael.

10 MS. TANNER: You did. Okay.

11 MR. WILLIAMS: Yeah.

12 MR. ZIEGLER: Did you know him before you talked
13 to Zerwick?

14 MR. WILLIAMS: No. I (inaudible) --

15 MR. ZIEGLER: When is the first time you heard his
16 name?

17 MR. WILLIAMS: It was like 18 -- maybe 18 to
18 20 months after I was at CP. He had got arrested. He
19 turned himself or something.

20 MR. ZIEGLER: Okay. I don't --

21 MS. MATOIAN: Let's save that for tomorrow.

22 MR. ZIEGLER: Yeah. I don't want to get too
23 much -- but you knew about him before you talked to
24 Ms. Zerwick?

25 MR. WILLIAMS: Yeah.

1 MR. ZIEGLER: Okay.

2 MR. WILLIAMS: I never talked to him though.

3 MR. ZIEGLER: Okay.

4 MS. TANNER: When Ms. Zerwick came to visit you
5 those times, did you ever give her any documentation?

6 MR. WILLIAMS: No. She just asked a lot of
7 questions.

8 MS. TANNER: Okay.

9 MR. WILLIAMS: No.

10 MS. TANNER: Did she ever bring any documentation
11 with her?

12 MR. WILLIAMS: No. Well, she brought things that
13 she had already knew, you know, and she could go back to
14 them as a reference. And she brought a cameraman with her
15 and that was it.

16 MS. TANNER: Did she have that 15-page affidavit
17 we're talking about?

18 MR. WILLIAMS: No.

19 MS. TANNER: Okay. Did she bring with her that
20 letter to DOJ that we're talking about?

21 MR. WILLIAMS: No. She put in her -- into her
22 story, but that was it.

23 MS. TANNER: Okay. You said that she sent you
24 this story.

25 MR. WILLIAMS: Uh-huh.

1 MS. TANNER: Can you explain that to me?

2 MR. WILLIAMS: Well, once --

3 MS. TANNER: Did she send it like after it was
4 published?

5 MR. WILLIAMS: Yeah. Once -- once she -- once she
6 had done everything, they published it, she sent me a copy
7 of what was published.

8 MS. TANNER: Okay.

9 MR. WILLIAMS: Both copies.

10 MS. TANNER: Was there anything in that that was
11 new that you didn't know before?

12 MR. WILLIAMS: Everything. I didn't know about
13 his head, the injury in his head. But I never knew about
14 the autopsy report until it was in that, that he didn't have
15 no bruises or scratches on his body.

16 MS. TANNER: You never knew about Mr. Wilson's
17 autopsy report you mean?

18 MR. WILLIAMS: Uh-uh. Didn't never know about it
19 until then and she put everything in it.

20 MS. TANNER: When you were at the -- only one
21 trial, did you just go in for your testimony and then leave
22 or did you get to stay for any of it?

23 MR. WILLIAMS: No. Left.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: Straight back to jail.

1 MS. TANNER: When you talked to Sammy Mitchell
2 about this case, did you guys talk about the evidence that
3 was presented at trial?

4 MR. WILLIAMS: No. I don't even think he know
5 much because he was just -- he seemed to be out of it
6 because he -- it didn't matter to him, you know. We talked
7 on it briefly and we went to other things. He started
8 talking about everything else. You know, like that was just
9 okay, it's over, just move on, you know.

10 MS. TANNER: So, Mr. Williams, the first report we
11 have in the police file about you talking to police in the
12 Arthur Wilson case is an indication that somebody at the
13 jail contacted the police department and said he wants to
14 talk to you about a man being stomped to death. I'm
15 paraphrasing and I'm sure we can find --

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: -- the actual document. What is the
18 first time that you talked to police about the Arthur Wilson
19 case?

20 MR. WILLIAMS: God, I can't remember the dates and
21 stuff like that.

22 MS. TANNER: Not a date. Tell me the
23 circumstances of that conversation. Where were you, if you
24 remember the --

25 MR. WILLIAMS: Well, they came and picked me up.

1 They came and got me from jail in their car. And, like I
2 said, they stopped to get something to eat. And that's when
3 that whole conversation started up.

4 MR. ZIEGLER: Why did they come to get you?

5 MR. WILLIAMS: Because somebody told them I wanted
6 to see them. That's why they came and got me.

7 MR. ZIEGLER: So you do -- you do remember then
8 you reached out --

9 MR. WILLIAMS: Yeah.

10 MR. ZIEGLER: -- first? Okay.

11 So that report then -- that sounds accurate to
12 you --

13 MR. WILLIAMS: Yeah.

14 MR. ZIEGLER: -- that you would have told someone
15 at the jail to -- okay.

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: How did you know to tell somebody at
18 the jail I need to talk to the detectives?

19 MR. WILLIAMS: Because they always -- they said
20 anytime you need to tell one of the jailers, they know to
21 contact just us and nobody else.

22 MS. TANNER: Say -- I'm sorry. Say that again.

23 MR. WILLIAMS: He said that if I wanted to see one
24 of them, just tell the jailer and they'll call just them and
25 no one else.

1 MS. TANNER: Who said that to you?

2 MR. WILLIAMS: The leading man. I can't think of
3 his name. He was small. He wasn't -- he was the smallest
4 one of the bunch.

5 MS. TANNER: The leading man in what?

6 MR. WILLIAMS: Weave -- in investigation. Weavil.
7 Weavil.

8 MS. TANNER: Weavil?

9 MR. WILLIAMS: Uh-huh. Yeah.

10 MS. TANNER: And when did he tell you that?

11 MR. WILLIAMS: When I went -- I was in jail before
12 that happened before I let them -- he said, Now, if you can
13 remember anything to help yourself, well, just give us a
14 call. And so I did that. And he said they would call him
15 and ask him to come. Nobody else would come get me, just
16 those two.

17 MS. TANNER: Okay. When you were in jail on what
18 charge did you hear that?

19 MR. WILLIAMS: On Ms. -- what's her name, Mary
20 Smith case.

21 MS. TANNER: On Ms. Smith's case?

22 MR. WILLIAMS: Uh-huh.

23 MS. TANNER: Mr. Weavil said if you ever need to
24 tell us about anything, I'm here for anything that you --

25 MR. WILLIAMS: Yeah. Just call -- just call him.

1 MS. TANNER: Call -- tell the jailer?

2 MR. WILLIAMS: Yeah. And --

3 MS. TANNER: And the jailer knows to call him?

4 MR. WILLIAMS: Just call him. Nobody else --

5 that's the only person they called.

6 MS. TANNER: Okay.

7 MR. WILLIAMS: Just him. He -- always call him.

8 MS. TANNER: Okay.

9 MR. WILLIAMS: He would always show up.

10 MS. TANNER: Before you reached out to the jailer
11 to reach out to the cops, did you talk to anybody about that
12 plan?

13 MR. WILLIAMS: No.

14 MS. TANNER: Okay.

15 MR. WILLIAMS: No.

16 MS. TANNER: When you reached out to that jailer
17 to say contact the cops, was it -- was it your plan to talk
18 about the Arthur Wilson case?

19 MR. WILLIAMS: Yeah. I kinda have to say so
20 because that's when I started talking about it.

21 MS. TANNER: Okay. I don't know. I'm just
22 asking.

23 MR. WILLIAMS: Yeah.

24 MS. TANNER: So it was your plan to talk -- I just
25 want to make sure I'm understanding that correctly.

1 MR. WILLIAMS: Yes, ma'am.

2 MS. TANNER: Okay. Had you thought at all about
3 what you were going to say?

4 MR. WILLIAMS: Some of it. No more than what I
5 had learned from being around in the streets about it. That
6 was it.

7 MS. TANNER: Okay. So what was it that you
8 thought you were going to say?

9 MR. WILLIAMS: At first I had just implicated
10 Darryl and Sammy. But then that -- they said that wasn't
11 going to fly; it just didn't sound right. And then when I
12 implicated myself, they felt that was the correct thing.

13 MS. TANNER: Okay.

14 MR. WILLIAMS: So they started from there.

15 MS. TANNER: I'm sorry. I'm going to look back --

16 MR. ZIEGLER: Here.

17 MS. TANNER: -- at these exhibits really quick.

18 So I think -- you know, it's kind of happened a
19 little bit that we've talked about these various statements
20 in -- those are the maps -- 44 and this is Exhibit 45.
21 These are police -- these are like police reports. And then
22 we went to your -- your letter. And when we were talking
23 about these, the same thing was happening as we were talking
24 about Mary Smith, at least that was my perception. But
25 there were some things in here that you were like no. And

1 so what I'm trying to understand -- and I'm going to give
2 you these back, 44 and 45. And I'm specifically interested
3 in what you've told -- so these reports, the way they work
4 is --

5 MR. ZIEGLER: Let's do them one at a time.

6 MS. TANNER: Yeah. Let's do the 44 first. The
7 specific ones, the way they work is there's multiple reports
8 I have in here, so I'm going to let Brian help me. But I
9 want to understand if the statements that are being reported
10 here -- let's be careful with this. I understand that you
11 have said to us that this is not what happened --

12 MR. WILLIAMS: Uh-huh.

13 MS. TANNER: -- that this did not happen.

14 MR. WILLIAMS: Uh-huh.

15 MS. TANNER: What I'm interested in, is there
16 anything in this document that you did not tell police?
17 Does that make sense?

18 MR. WILLIAMS: Yes, ma'am.

19 MS. TANNER: Okay.

20 MR. ZIEGLER: So let's --

21 MS. TANNER: So here's our highlighter again.

22 MR. ZIEGLER: -- let's start at this black mark
23 and -- and there's another black mark on the next page
24 there.

25 MR. WILLIAMS: Okay.

1 (Pause.)

2 (Inaudible conversation held off the record.)

3 MS. TANNER: Okay. We're going to do this the
4 same, okay?

5 MR. WILLIAMS: Uh-huh.

6 MS. TANNER: So these highlights on Exhibit 44,
7 what they mean is you do not believe you told the police
8 this?

9 MR. WILLIAMS: I know I didn't tell them that.

10 MS. TANNER: Okay. So you do not believe you told
11 the police that Sammy Mitchell had gotten the ax handle from
12 Tommy Thompson -- Thomas Thompson to keep for him?

13 MR. WILLIAMS: Uh-uh.

14 MS. TANNER: Okay. What -- tell me again, when
15 did the ax handle happen, like when did that come up?

16 MR. WILLIAMS: That came up after I was arrested.
17 The thing that they didn't put in the report that -- they
18 said that she had -- that I had the ax handle and I had been
19 locked up in prison. She had to move five times so she
20 could have the ax handle. I told them that. They be, Oh,
21 well, don't worry about it. Yeah, think about it. She
22 moved five times from the time I left her and from the time
23 I got back out. Five, she moved five times.

24 MS. TANNER: Okay. I'm sorry. Let me just make
25 sure I'm clear. So Mattie Mae Davis had moved five times --

1 MR. WILLIAMS: Uh-huh.

2 MS. TANNER: -- from the time you went to
3 jail/prison for the arson --

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: -- until the time you came back?

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: Okay. And so in your mind, why would
8 she still have it if she had moved five times?

9 MR. WILLIAMS: She didn't have it.

10 MS. TANNER: Where did it come from?

11 MR. WILLIAMS: The house we moved in it was there.

12 MS. TANNER: It was --

13 MR. WILLIAMS: It was --

14 MS. TANNER: -- already there?

15 MR. WILLIAMS: -- already there, yeah.

16 MS. TANNER: And the house you moved in was
17 previously occupied by?

18 MR. WILLIAMS: Somebody and her brother.

19 MS. TANNER: Okay.

20 MR. WILLIAMS: Yeah. But the ax handle was there.

21 MS. TANNER: Did you at any point talk to police
22 about an ax handle?

23 MR. WILLIAMS: Yeah. I introduced that as being a
24 weapon.

25 MS. TANNER: Okay.

1 MR. WILLIAMS: And after that, my lawyer, they
2 said they were going to get the weapon matched up with
3 autopsy to see if that could have been the weapon, but they
4 never did.

5 MS. TANNER: Matched up with the what?

6 MR. WILLIAMS: The autopsy report that that'd be
7 the weapon.

8 MS. BOYER: Autopsy.

9 MS. TANNER: Autopsy.

10 MR. WILLIAMS: Uh-huh.

11 MS. TANNER: Got it.

12 MR. WILLIAMS: And they never did.

13 MS. TANNER: Your understanding was that the
14 police never did that?

15 MR. WILLIAMS: My lawyers didn't either because
16 they were going to do it, too. They never did. I ended up
17 pleading guilty before they did anything.

18 MS. TANNER: Okay.

19 MR. WILLIAMS: And --

20 MS. TANNER: Who first suggested the ax handle?
21 You?

22 MR. WILLIAMS: They said there had to be a weapon
23 and I suggested the ax handle.

24 MS. TANNER: Okay. So the police did not --

25 MR. WILLIAMS: Uh-uh.

1 MS. TANNER: -- it is not your recollection that
2 the police said there's an ax handle?

3 MR. WILLIAMS: Uh-uh.

4 MS. TANNER: You came up with the ax handle on
5 your own?

6 MR. WILLIAMS: Uh-huh.

7 MS. TANNER: Okay. And where did you get the idea
8 for that again?

9 MR. WILLIAMS: Because they said he had had a head
10 wound, that somebody hit him in the head with an object.
11 And that's how I came up with that.

12 MS. TANNER: Okay. So how did that ax handle --
13 that was just there?

14 MR. WILLIAMS: Yeah. It was just in the house
15 when we moved there. That's it.

16 MS. TANNER: Okay. Was it just fortuitous that
17 there was -- like lucky that there was an ax handle that
18 happened to be there and it also --

19 MR. WILLIAMS: It was that people had -- people
20 had just moved out and certain things were left, some things
21 were left behind and that was just one of them.

22 MS. TANNER: Okay.

23 MR. WILLIAMS: There was pipes and all kind of
24 stuff left behind, so...

25 MS. MATOIAN: And you said that that was used for

1 the stove?

2 MR. WILLIAMS: Uh-huh.

3 MS. MATOIAN: To push back?

4 MR. WILLIAMS: Push with it.

5 MS. TANNER: Okay. Okay. So we've highlighted
6 those portions. You've highlighted the portion about the
7 part where you knew the date because your wife had eaten
8 potato salad that made her very sick and caused her to lose
9 her --

10 MR. WILLIAMS: Yeah.

11 MS. TANNER: -- baby?

12 MR. WILLIAMS: I don't know anything about that.

13 MS. TANNER: Okay. You also highlighted the
14 portion that said:

15 "According to Drayton, the victim had flashed
16 money in the drink house and it was apparent to everyone
17 that he had a large amount of money on him."

18 MR. WILLIAMS: Yeah. I ain't said that.

19 MS. TANNER: You did not tell the police that?

20 MR. WILLIAMS: No.

21 MS. TANNER: Okay. If I were to represent to you
22 that other people at the drink house in 1986 said that this
23 man had money that he was flashing around at the drink
24 house, what would you say about that?

25 MR. WILLIAMS: I wouldn't know because I wasn't

1 there to see it.

2 MS. TANNER: Okay. Okay. We're going to do the
3 same thing with 45. And I think Brian has done a really
4 nice job of marking stuff for ease. If you put them right
5 there, I'm going to let you --

6 MR. WILLIAMS: Yeah.

7 MS. BOYER: And, Mr. Williams, while you're doing
8 that, I'm going to run to the ladies' room, okay?

9 MR. WILLIAMS: All right.

10 MS. BOYER: Do you need to take a bathroom break?

11 MR. WILLIAMS: No, ma'am. I'm all right.

12 MS. BOYER: Okay.

13 MS. TANNER: Okay. You can take one. That's --
14 sorry.

15 MR. WILLIAMS: I'm going to go over to that one?

16 MR. ZIEGLER: So this one is quite a bit longer.

17 MR. WILLIAMS: Longer.

18 MS. TANNER: Uh-huh.

19 MR. ZIEGLER: In fact --

20 MS. TANNER: (Inaudible.)

21 MR. WILLIAMS: That's all right.

22 MR. ZIEGLER: I'm sorry. I think -- I think there
23 is a mark where we intend for you to stop. So the only part
24 that you need to skip on this is not until you get to the
25 bottom of page 55.

1 MR. WILLIAMS: All right.

2 MR. ZIEGLER: So it's -- it's a little bit to go
3 through.

4 MR. WILLIAMS: Uh-huh.

5 MS. TANNER: I know that it is long. I'm sorry.
6 I appreciate it though. Does he need to start at the very
7 top?

8 MR. ZIEGLER: Yeah.

9 MS. TANNER: Okay.

10 MR. WILLIAMS: (Inaudible.) I'm going to mark
11 that.

12 (Inaudible conversation held off the record.)

13 MR. WILLIAMS: My allergies, man.

14 MS. MATOIAN: You have allergies?

15 MR. WILLIAMS: Bad.

16 MR. ZIEGLER: It's that time of year.

17 MR. WILLIAMS: Yeah. I have lupus and it don't
18 help none.

19 MS. MATOIAN: Oh, I'm sorry.

20 MR. WILLIAMS: (Inaudible.)

21 MS. MATOIAN: Do you need a minute?

22 MR. WILLIAMS: Uh-huh. I'll be ready. This makes
23 my eyes water.

24 MS. BOYER: Do you --

25 MS. MATOIAN: Do you want someone to go get you

1 some --

2 MS. TANNER: Do you need a break?

3 MR. WILLIAMS: No. It'll be all right.

4 MS. MATOIAN: (Inaudible) your eyes.

5 MR. WILLIAMS: I suffer from allergies.

6 MS. BOYER: You can definitely -- you can take a
7 break if you need one.

8 MR. WILLIAMS: No. We can go on and finish.

9 MS. TANNER: We'll be back tomorrow.

10 MR. WILLIAMS: Yeah, that's what I'm worried
11 about. I'm going to get some riff with that one. Oh, boy.
12 This thing ain't gonna stop.

13 MS. TANNER: Why don't we take a little break.
14 You can use the restroom.

15 MR. WILLIAMS: No, I'm all right. It'll do like
16 this up there, too. I had to go to medical to get my eyes
17 washed out.

18 MS. BOYER: Oh, do you have like the pollen --

19 MR. WILLIAMS: Pollen drives me crazy.

20 MS. BOYER: Well, I have a question for you
21 completely off the topic of this. When you said you did
22 talk to your biological mom after about a year ago, was that
23 because she wouldn't tell you anything about your dad
24 (inaudible)?

25 MR. WILLIAMS: Yes.

1 MS. BOYER: Is that what you were trying to find
2 out?

3 MR. WILLIAMS: Yep.

4 MS. BOYER: I'm sorry.

5 MR. WILLIAMS: Well, it come to --

6 MS. MATOIAN: Do you want us to get some toilet
7 paper so you can wipe your eyes?

8 MR. WILLIAMS: I'm all right. My mother and I, I
9 think we reached an agreement that my father is actually my
10 uncle. She wouldn't say it, but I figured it out on my own
11 because he has -- he named -- I was named -- he named me
12 after him. 25 years later he had a son. Named his son
13 after me. But he has -- nobody have lupus but me and one of
14 my aunts. So it's just strange how I had this. But my mom
15 won't tell me.

16 But Suzanne was calling New York to get the
17 information and they wouldn't tell her. It's closed
18 adoption. But the lady did her it was closed home, so I
19 know what that meant. It don't bother me. I just rather
20 they tell me the truth. It happens. But she won't. He's
21 dead now anyway, but --

22 MS. BOYER: I'm sorry. I wasn't trying to pry. I
23 just --

24 MR. WILLIAMS: No, it don't -- it don't bother me.

25 MS. BOYER: I knew with the lupus it irritates

1 everything, your whole system.

2 MR. WILLIAMS: Because I -- when I asked about him
3 -- about him and her, she gets whew about that. If she had
4 a pistol, she'd probably shoot me because she gets upset
5 about it.

6 MS. MATOIAN: Your mom?

7 MR. WILLIAMS: Yeah. So I -- probably -- probably
8 what happened. You know, I just -- I wouldn't push her no
9 more. I stopped pushing her into it. And I started
10 resenting her, so we just cut communication until things get
11 better. I'll start end up walk -- talking to her again, but
12 not now. I'm going to let her stew for a while. She's --

13 MS. MATOIAN: It's hard on both sides.

14 MR. WILLIAMS: Huh?

15 MS. MATOIAN: It's hard on both sides.

16 MR. WILLIAMS: Yeah. She's -- she was a physician
17 assistant, but she had to retire early. She's 6'4" like
18 380-something pounds.

19 MS. MATOIAN: Oh.

20 MR. ZIEGLER: Wow.

21 MS. TANNER: Your mom?

22 MR. WILLIAMS: Yeah. She is huge. She's 85 now,
23 so she lost a lot of weight.

24 MS. TANNER: That is (inaudible).

25 MR. WILLIAMS: She's just older. She'll be all

1 right though. I do love her, but I just can't deal with the
2 fact she won't tell things.

3 MS. BOYER: And that's from an era that a lot of
4 that stuff was always -- you never did talk about it --

5 MR. WILLIAMS: Kept.

6 MS. BOYER: -- ever.

7 MR. WILLIAMS: Yep. And --

8 MS. BOYER: It's very hard as you grow up though.

9 MR. WILLIAMS: Just that -- it is. That's
10 correct. That's correct. That's correct.

11 No, I don't know no car or nothing.

12 (Inaudible conversation held off the record.)

13 MS. TANNER: Okay. So this is -- oh, what number
14 are on?

15 MS. MATOIAN: We're on -- should be on 52.

16 MS. TANNER: This will be 52. But we're going to
17 talk about 45 that you just read and highlighted for us
18 through your struggles. I'm so sorry and I appreciate it.

19 (Exhibit Number 52 was introduced.)

20 MS. TANNER: Highlighted here is again this part
21 about -- it says that you remembered the date and that --
22 this one is already marked.

23 MR. ZIEGLER: Yeah. I just wanted to make sure we
24 did the whole thing.

25 MR. WILLIAMS: Yeah. Because --

1 MR. ZIEGLER: Okay. Because we aren't going to be
2 making (inaudible).

3 MR. WILLIAMS: -- heard -- started out that we did
4 that already.

5 MS. TANNER: Okay. And this is about the potato
6 salad?

7 MR. WILLIAMS: Uh-huh.

8 MS. TANNER: Okay. And also highlighted is this
9 part about him having a large amount of money and flashing
10 his money. So your recollection is you just never told the
11 police that?

12 MR. WILLIAMS: No.

13 MS. TANNER: Okay. Also highlighted this part
14 about, "Sammy and Darryl were still at the bar and Sammy
15 looked at Art and said, 'Motherfucker, you can buy everybody
16 else something to drink. Why can't you buy me and my
17 partner something.'"

18 MR. WILLIAMS: No.

19 MS. TANNER: Okay. And then there's a lot in here
20 highlighted on this other page. It's number 53 of page 40
21 -- of Exhibit 45 about that you went back to playing cards
22 in the front room. There was an argument over the card
23 game. There's a whole story about you going to the back
24 room with Sammy and him saying, "Damn, all that money he's
25 got, we could have a part with." And that they were talking

1 about Arthur Wilson and that:

2 "Sammy Mitchell again called Drayton to the back
3 room where he told him take Art down to Red Mosley's house.
4 Drayton said he went back to the front room and stayed for
5 approximately 10 to 20 minutes before he asked Art to leave
6 with him. Drayton said that Arthur Wilson, Mattie Mae, and
7 himself went out the back door together. And when they got
8 down to the bottom part of the driveway, Mattie hesitated as
9 if she really didn't want to go down the road. The victim
10 and Drayton continued to walk down Claremont towards 18th.
11 Darryl Hunt and Sammy Mitchell came out of the door behind
12 Drayton and the victim. When they got approximately 25 feet
13 from the driveway on Claremont going towards 17th Street and
14 just past Mr. Willard's store just past 18th Street." And
15 then you stopped.

16 So you don't remember telling the police any of
17 that?

18 MR. WILLIAMS: Uh-uh.

19 MS. TANNER: So one of the things that you've told
20 us today is that when the statements didn't fit, the police
21 would, for lack of a better term, help you along?

22 MR. WILLIAMS: (No audible response.)

23 MS. TANNER: Okay. Did they ever give you any
24 indication that these were -- these yellow highlighted facts
25 were things that they wanted included in the statements?

1 MR. WILLIAMS: No. 'Cause we'd just go over
2 different things. And when they see them to fit, they would
3 seem content with it.

4 MS. TANNER: Okay. This part about "Sammy
5 clotheslined Art with his arm," that is not highlighted. So
6 you remember telling police that?

7 MR. WILLIAMS: Yeah. But --

8 MALE: Can I jump in here?

9 MS. BOYER: Yeah.

10 MALE: So what you doing about eating?

11 MS. TANNER: Oh, I don't even know what time it
12 is.

13 MR. WILLIAMS: I'll take a snack bag.

14 MALE: It's 5 o'clock.

15 MS. BOYER: It's probably about 5:00.

16 MS. TANNER: It's 5 o'clock.

17 MR. WILLIAMS: I'm all right. It's two or three
18 minutes till. I'll take a snack bag.

19 MS. TANNER: I'm so sorry. I'm almost done. Do
20 y'all want to try and finish up tomorrow so he doesn't miss
21 dinner --

22 MR. ZIEGLER: That's --

23 MS. TANNER: -- with Wilson?

24 MR. ZIEGLER: -- that's -- okay with me.

25 MS. MATOIAN: Yeah.

1 MS. TANNER: Or do you want to just finish up
2 right now? I hate for you to miss dinner.

3 MS. BOYER: You know we're going to see you in the
4 morning, right?

5 MR. WILLIAMS: All right. I'll be up in the
6 morning.

7 MS. MATOIAN: Let's finish this statement.

8 MR. WILLIAMS: All right.

9 MS. MATOIAN: That will take like two minutes.

10 MR. WILLIAMS: All right.

11 MS. MATOIAN: And then we'll come back tomorrow
12 and finish the rest.

13 MR. WILLIAMS: All right.

14 MS. BOYER: Is that okay?

15 MALE: (Inaudible.)

16 MS. BOYER: Thank you.

17 MS. TANNER: Thank you for your patience.

18 So this part about the \$20 five dollar bill, you
19 didn't tell police?

20 MR. WILLIAMS: No.

21 MS. TANNER: And you also don't remember talking
22 to police about the boots that Darryl Hunt was wearing --

23 MR. WILLIAMS: No.

24 MS. TANNER: -- with the square toe?

25 MR. WILLIAMS: I do know something and it's

1 probably not in that report just by somebody that actually
2 knows him.

3 MS. TANNER: Okay.

4 MR. WILLIAMS: That I met while --

5 MS. TANNER: Okay.

6 MR. WILLIAMS: -- I on state. He did not carry a
7 lot of money.

8 MS. TANNER: Okay.

9 MR. WILLIAMS: At all.

10 MS. TANNER: Who didn't?

11 MR. WILLIAMS: Wilson. I knew somebody who know
12 him. He said, He don't carry any money like that.

13 MS. MATOIAN: Do you remember who that was?

14 MR. WILLIAMS: No. I'm going to try to go back
15 through some notes I have. Because he told me the old man
16 will take one dollar and put it around a bunch of newspaper.
17 Just one dollar.

18 MS. TANNER: Okay. There's three more pages in
19 this exhibit. Did you look at those?

20 MR. WILLIAMS: Yes.

21 MS. TANNER: Okay. And you just mentioned notes
22 that you have. It would be really great for us if there are
23 items like that that you have with you right now, like in
24 your cell, like notes you have from conversations you've had
25 or anything like that, that you just bring those with you --

1 MR. WILLIAMS: All right.

2 MS. TANNER: -- so that we can look at them
3 tomorrow.

4 MR. WILLIAMS: All right.

5 MS. BOYER: We're happy to talk to the
6 correctional staff and say like, hey, we really --

7 MR. WILLIAMS: Oh, I can bring it -- bring it up.

8 MS. TANNER: Yeah. So if it's about this case --

9 MR. WILLIAMS: They don't say anything.

10 MS. TANNER: -- and you've got a document, even if
11 you don't think it's important but it's something you noted,
12 that would be helpful for us to look at.

13 MR. WILLIAMS: All right.

14 MS. TANNER: Do you mind bringing that with you?

15 MR. WILLIAMS: I'll bring it.

16 MS. TANNER: Okay.

17 MR. WILLIAMS: I will.

18 MS. TANNER: I'm going to take a break here
19 because we only have one more statement, but do you have
20 anything else?

21 MR. ZIEGLER: I just want to ask really quick
22 about what you just said. Someone told you the -- that
23 Mr. Wilson would have a one dollar bill wrapped around --

24 MR. WILLIAMS: Uh-huh.

25 MR. ZIEGLER: -- a newspaper. So is it your

1 understanding then that he would flash like he had a lot of
2 money but he did not actually have a lot of money?

3 MR. WILLIAMS: No. He just -- he's an old man,
4 you know. He just -- he pull -- if you pull money out and
5 you've got it -- make it thick, in people mind, that's a lot
6 of money.

7 MR. ZIEGLER: So he wanted it to look like he had
8 money?

9 MR. WILLIAMS: Yeah.

10 MR. ZIEGLER: Okay. That's what I'm trying to
11 understand.

12 MS. BOYER: He may have been flashing some, but it
13 was a one and the "Chronicle"?

14 MR. WILLIAMS: One and a lot of piece of paper.

15 MR. ZIEGLER: Okay.

16 MS. TANNER: Okay. There's only one more
17 statement here. It's only a couple of pages. Do you feel
18 like that's something you can do right now or do you want to
19 wait until tomorrow morning? I don't want you to --

20 MR. WILLIAMS: I better wait because they will
21 close the kitchen.

22 MS. TANNER: Okay.

23 MS. MATOIAN: Okay.

24 MR. WILLIAMS: This place right there, they'll
25 close the kitchen and run everybody out.

1 MS. TANNER: They will. That's true.

2 MR. ZIEGLER: I do have one more question for
3 you --

4 MR. WILLIAMS: All right.

5 MR. ZIEGLER: -- Mr. Wilson. When you were in the
6 jail in Forsyth County, was there certain visitation days or
7 how -- could you get visitors anytime?

8 MR. WILLIAMS: No. I think they had visitation
9 days, but I never knew what they were.

10 MR. ZIEGLER: But it was a certain day?

11 MR. WILLIAMS: Yeah.

12 MR. ZIEGLER: Okay. And you don't recall what
13 that -- that day is?

14 MR. WILLIAMS: (No audible response.)

15 MR. ZIEGLER: Okay.

16 MS. BOYER: Nowadays it changes depending on which
17 pod you're in.

18 MR. WILLIAMS: Yeah, I heard. It's a new jail.

19 MS. TANNER: Okay, Mr. Williams --

20 MR. WILLIAMS: See, that's all -- this is all --
21 that's visits. That's how a visit is set up.

22 MS. BOYER: Yeah, that's --

23 MS. TANNER: Yeah.

24 MS. BOYER: They took away -- I saw the -- they
25 took away all the tables.

1 MR. WILLIAMS: We have to sit across. And if you
2 lean too far across, the visit is over with.

3 MS. MATOIAN: That's the right part.

4 MS. BOYER: That -- that's true.

5 MR. WILLIAMS: So I normally sit -- I normally sit
6 in that middle right there.

7 MS. BOYER: Okay.

8 MR. WILLIAMS: It's touchy.

9 MS. BOYER: Well, we'll see you tomorrow morning.

10 MR. WILLIAMS: All right.

11 MS. MATOIAN: (Inaudible.)

12 (End of the recording.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the 236 pages of this transcript of the recorded interview of Merritt Williams Drayton was taken on April 10, 2019, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This the 24th day of April 2019.

A handwritten signature in blue ink that reads "Donna Rowe". The signature is written in a cursive, flowing style.

DONNA ROWE



NO USE

$1q+n$

Charmount

8

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM

WILSON, ARTHUR (NMN)

0304

5. OFFENSE OR INCIDENT

Murder

2. ROUTING

COPIES

830 H.CES

COMPLAINANT'S ADDRESS

3054 N. Patterson Avenue

6. DATE OF ORIGINAL INCIDENT

09-17-83

7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED

8. MULTIPLE CLEAR-UP

☐ YES☒ NO

9. PAGE NO.

1

1. COMPLAINT NO.
358533

ITEM NO.

27

27

On 04-08-86 Sgt. Spillman, who is a Sergeant with the Forsyth County Sheriff's

Department, who works at the County Jail, contacted the writer and stated that

a black male by the name of Merritt William Drayton wanted to talk with a detective about a guy that had been stomped to death.

On 04-09-86 the writer contacted Det. Weavil and Det. Hicks about this information

I had received from Sgt. Spillman.

On 04-09-86 the writer, Det. R. N. Weavil, and Det. Hicks went to the Forsyth County Jail to interview Merritt Drayton in regards to this information.

Drayton stated the following. On 09-17-83 he and his wife were at a drink house on Claremont Avenue. A man by the name of Sammy Mitchell had gotten into an argument with Art Wilson. Sammy Mitchell and a friend of his, Darryl Hunt, had followed the man from the drink house down Claremont Avenue. Drayton stated that he saw Sammy Mitchell and Darryl Hunt beat the man with a stick. Drayton described the stick as an ax handle with black tape around one end of it. Sammy Mitchell had hit the victim in the head with the stick, while Darryl Hunt was kicking him on the ground.

Drayton stated that his wife, Mattie Mae Drayton, had been a witness to this incident. He also said that Sammy Mitchell had gotten the ax handle to Thomas Thompson to keep for him. Thomas Thompson is the brother-in-law of Drayton's wife, Mattie Drayton. Drayton said the last time he saw the ax handle was in a blue house on 26th Street and Claremont Avenue. Drayton said that he remembered the

28. REPORTING OFFICER

CODE NO.

T. H. Hicks 830-2117

30. STATUS: (CHECK ONE)

☐ CLEARED BY ARREST☒ OPEN☐ UNFOUNDED☐ EXCEPTIONALLY CLEARED☐ INACTIVE☐ SERVICES RENDERED

33. REFERRED TO

29. SECOND OFFICER

CODE NO.

R. A. Spillman 810-1002

31. SUPERVISOR APPROVING CODE NO.

32. REVIEWER

CODE NO.

34. DATE OF THIS REPORT

0000786/bb

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		030158	5. OFFENSE OR INCIDENT Murder		2. COPIES 1		ROUTING 830 Hicks		1. COMPLAINT NO. 358533
COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue			6. DATE OF ORIGINAL INCIDENT 09-17-83						
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED			8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2				

ITEM NO.	27	date because his wife had eaten potato salad, which had made her very sick and caused her to lose her baby. Drayton also said that he and his wife had been in the drink house and had heard an argument between Mitchell and the victim. The drink house is supposed to be located on Claremont Avenue and is supposed to be run by the name of Ezelle. According to Drayton, the victim had flashed money in the drink house and it was apparent to everyone that he had a large amount of money on him. Drayton was told that the information he had given would be checked out and that he would be contacted on a later date.
After receiving this information, Det. Hicks went to CID, where this report was located. Merritt Drayton's description of the incident that occurred on Claremont Avenue matched this incident involving Arthur Wilson.		
On 04-14-86 at approximately 0800 hours the writer, Det. Weavil, and Det. Hicks met with Mattie Davis at the Public Safety Center. Ms. Davis stated that she would be willing to have a body mike placed on her and talk with Sammy Mitchell about this incident.		
At 1015 a meeting was held with District Attorney Don Tisdale to discuss the wiring of Ms. Davis.		
Ms. Davis was wired with a body mike from 1230 hours to 1530 hours. Attempts were made to locate Sammy Mitchell, with negative results. At approximately 1532 hours Sammy Mitchell was located, standing beside the residence at 760 N. Patterson Avenue. He was standing on the Patterson Avenue side, near the sidewalk.		

28. REPORTING OFFICER T. H. Hicks 830-2117	CODE NO.	30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST	<input checked="" type="checkbox"/> OPEN	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> INACTIVE	33. REFERRED TO
29. SECOND OFFICER R. A. Spillman 810-1002	CODE NO.	31. SUPERVISOR APPROVING M. N. McLean 830-2060	CODE NO.	32. REVIEWER S. Stally 830-797	CODE NO.	34. DATE OF THIS REPORT 04-30-86/bb

WINSTON-SALEM, N. C.

POLICE DEPARTMENT

030137

Supplement Report

PENGAD 800-831-6889

EXHIBIT

45

1. COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:	
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2	
ITEM NO. 27	27 Drayton said that he remembered the date as being September 17, 1983. He remembered this date because his wife had eaten potato salad, which had made her very sick and caused her to lose her baby. Drayton also said that he and his wife had been in the drink house and had heard an argument between Mitchell and the victim. The drink house is supposed to be located on Claremont Avenue and is supposed to be run by a person by the name of Ezelle. According to Drayton, the victim had flashed money in the drink house and it was apparent to everyone that he had a large amount of money on him. Drayton was told that the information he had given would be checked out and that he would be contacted at a later date.				
	The writer went to CID, where this report was located. Merritt Drayton's description of the incident that occurred on Claremont Avenue matched this incident involving Arthur Wilson.				
	On 04-11-86 at 1310 the writer and Det. Weavil went to the Forsyth County Jail and picked up Merritt Drayton. After Drayton was placed into our vehicle, Drayton looked at Det. Weavil and stated, "What are they going to do to me when they find out I was involved in this?" Drayton was then transported to the Public Safety Center, where an interview was conducted by Det. Weavil and Det. Hicks. Drayton was first advised of his constitutional rights as set forth by the Miranda Decision. Drayton signed a Rights Waiver and agreed to talk without having a lawyer present. Drayton stated the following				
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE		33. REFERRED TO	
29. SECOND OFFICER		31. SUPERVISOR APPROVING M. V. M. 830-2000		32. REVIEWER L. G. 830-2000	
		34. 000051 CIRC - WSPD		35. 86/bb	

WINSTON-SALEM, N. C.

POLICE DEPARTMENT

030138

Supplement Report

1. COMPLAINT NO. 358533		2. ROUTING COPIES TO:	
3. COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		5. OFFENSE OR INCIDENT Homicide	
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83	
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	9. PAGE NO. 3
ITEM NO. 27	<p>about his involvement in this incident: Sometime between September 15, 1983, and September 17, 1983, his wife, Mattie Mae Davis, ate potato salad at her mother's residence, 1714 N. Liberty Street. The potato salad made her very sick and she started passing blood. She was pregnant at the time and, as a result, lost her baby. Drayton stated this is how he remembered the date of this incident. Approximately 2100 to 2130 that night he, his wife and Alice Byrd went to Ezelle's Drink House, which was located near the corner of Claremont Avenue and 19th Street. Drayton stated the drink house was approximately two houses from the corner of 19th Street. This drink house has been torn down since this occurred. They all went in the back door of the house. To the right, there was a long bar. The owner of the house, Ezelle, was present and was serving drinks behind the bar. Sammy Mitchell was standing on the right hand side of the bar as you walk in the door. His partner, Darryl Hunt, was standing in front of him on the righthand side. After Drayton got all the way inside he ordered some drinks. He and his wife went into the front room and sat down, where they started playing cards. Later on, Art Wilson, the victim, came into the bar. He ordered drinks for several people who were present. According to Drayton, he was flashing his money and it appeared that he had a large amount of money. Drayton had gone from the front room of the house into the back room, where the drinks were being served. Sammy and Darryl were still at the bar talking. Sammy looked at Art and stated, "Mother fucker, you can buy everybody else something to drink, why you can't buy me and my</p>		
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED	
29. SECOND OFFICER		31. SUPERVISOR APPROVING CODE NO. M. J. McCall 830-2060	
		32. REVIEWER CODE NO. J. J. McCall 800-747	
		33. REFERRED TO 000052 REPORT 04 WSPD 86/bb	

WINSTON-SALEM, N. C.

IR358533-053

POLICE DEPARTMENT

Supplement Report

030139

COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 4		
ITEM NO. 27	27 partner something?" According to Drayton, Art did not have much to say to Sammy. Drayton said shortly after that, he, Sammy, Darryl and Art went back to the front room to play cards. An argument started over the card game. After the game broke up, Sammy and Darryl went to the back room. This room was located near the bar area. Sammy had Drayton to come to the back room. Sammy told Drayton, "Damn, all that money he's got we could have a party with." Drayton stated that they were talking about Arthur Wilson. Drayton left the back room and went back to the front room. Sammy Mitchell again called Drayton to the back room, where he told him to take Art down to Red Mosley's house. Drayton said that he went back to the front room and stayed for approximately 10-20 minutes before he asked Art to leave with him. Drayton said that Arthur Wilson, Mattie Mae and himself went out the back door together. Drayton said when they got to the bottom part of the driveway Mattie hesitated as if she didn't really want to go down the road. The victim and Drayton continued to walk down Claremont towards 18th Street. Darryl Hunt and Sammy Mitchell came out of the door behind Drayton and the victim. When they got approximately 25 feet from the driveway on Claremont going towards 17th Street, and just past Mr. Williard's store, just past 18th Street, Sammy closelined Art with his arm. Art fell to the ground. At this time Sammy pulled out an ax handle, which he had hidden under his army shirt. Sammy started hitting the victim in the back and the back of the head and neck with the ax handle. At this time Darryl Hunt started kicking the victim in the head and in the body.					
28. REPORTING OFFICER T. H. Hicks		CODE NO. 830-2117		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO
29. SECOND OFFICER		CODE NO.		31. SUPERVISOR APPROVING CODE NO. 830-2117		32. REVIEWER CODE NO. 830-2117
				34. DATE OF THIS REPORT 000053/bb		NCHC WSPD

WINSTON-SALEM, N. C.

POLICE DEPARTMENT

030140

Supplement Report

1. COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 5		

ITEM NO. 27	27	Sammy then yelled to Drayton to pull the money out of the man's pocket. Drayton reached in the man's right front pocket and pulled out what money he had. They then leaned the victim up and attempted to get his wallet from the back pocket. At that time a car came down 18th Street and a car came down Claremont Avenue. One of the cars stopped and people got out of the car. Drayton stated that he, Sammy Mitchell and Darryl Hunt ran down 17th Street. The people in the car were chasing them. They cut down through the front yard of a house and went across to 18th Street and followed a path back to Ezelle's house on Claremont. Drayton said that Sammy gave him a \$20 bill and a \$5 bill which had been taken off of the victim. Drayton also said that Darryl had got scared and went in a different direction from he and Mitchell. Drayton did not see Darryl Hunt any more that night. Drayton also said that Darryl Hunt was wearing boots, which were similar to cowboy boots. The boots had a square toe. His right boot had either mud blood or something on it.
		Drayton also stated that he still had the stick which was used in this assault. The stick was supposed to be at his apartment, which is located at 345 E. 9th Street. Drayton had gotten the stick from Thomas Thompson, Jr. Drayton stated that it would be OK for officers to search his apartment for the ax handle. He signed a Search Waiver. See the attached Search Waiver.

The Search Waiver was signed at 1515. At approximately 1520, the writer,

28. REPORTING OFFICER T. H. Hicks 830-2117	CODE NO. 830-2117	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING CODE NO. M. J. McCoy 830-2060	32. REVIEWER J. H. H. 830-747
		34. DATE OF THIS REPORT 09-23-86/bb	

NCIC WSPD

WINSTON-SALEM, N. C.

POLICE DEPARTMENT

Supplement Report

COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		030141		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 6		
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED								
ITEM NO.	27	<p>Merritt Drayton, Sgt. McCoy and Det. Weavil, went to the area where the assault had occurred. Drayton pointed out a residence at 1720 Claremont Avenue. Drayton stated that the assault occurred in the street almost in front of 1720 Claremont Avenue. This was consistent with what was stated in the original report. Drayton then pointed out the direction that he, Sammy Mitchell and Darryl Hunt^{ran} after the car pulled up. According to Drayton, they ran up 17th Street and cut through a yard, which is located beside of 1215 E. 17th Street. They went through the back yard and cut across 18th Street. After crossing 18th Street, he and Sammy Mitchell went down a path and back into the rear of Ezelle's Drink House. Drayton also pointed out the location where the drink house used to be. Mattie Davis was then located in the 1800 block of Claremont Avenue and got in the car with us. Mattie Davis and Merritt Drayton were not allowed to talk with each other. We then went to 345 E. 9th Street. It was approximately 1525 when we arrived there. A search of the apartment was conducted. Drayton showed the writer and Det. Weavil where the ax handle was located. The ax handle was located in the bedroom, which is located in the middle of the apartment. The ax handle was behind the bed. The ax handle was seized and placed in Property Control. It was packaged as evidence. See Drayton's first written statement.</p> <p>Everyone came back to the Public Safety Center, where Drayton was scheduled for a polygraph test. The writer and Det. Weavil then interviewed Mattie Mae Davis in the Interview Room. The interview</p>						
28. REPORTING OFFICER T. H. Hicks 830-2117		CODE NO.		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE		33. REFERRED TO		
29. SECOND OFFICER		CODE NO.		31. SUPERVISOR APPROVING CODE NO. 830-2060		32. REVIEWER CODE NO. 800-711		34. REPORT NO. 000055

NCIC-WSRB

POLICE DEPARTMENT

030142

Supplement Report

3. COMPLAINANT / VICTIM WILSON, ARTHUR (NMN)		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 7		
ITEM NO.	27	started at approximately 1545. Mattie Davis is a black female, dob 05-12-56, home address, 345 E. 9th Street. At first Ms. Davis denied being present when the assault occurred. She stated that she had not seen anything. Later, Ms. Davis admitted that she saw Sammy Mitchell push the victim, Arthur Wilson, down to the ground. She stated that Sammy Mitchell then started kicking the victim. Darryl Hunt was also present. She observed Darryl standing over the man, but did not actually see him hit anyone. Merritt Drayton was also in the same group, but she did not see him actually do anything to the victim. Ms. Davis stated that she turned around to go back to the drink house when she saw what was happening. Ms. Davis also stated that she was approximately 6-8 feet from the location where the assault occurred. See Ms. Davis' attached written statement.				
As a result of the polygraph test, Merritt Drayton gave another statement to Det. Weavil and the writer. Drayton stated the same basic facts about the incident, except Drayton also admitted that he participated in the actual assault. After reaching in the victim's right pocket and pulling out the money, he handed the money to Sammy Mitchell. Sammy Mitchell then gave Drayton the ax handle. They leaned the victim up and Sammy Mitchell went into the victim's pocket for his wallet. At this time, Drayton stated he hit the victim approximately 3 times in the back area with the ax handle. See Merritt Drayton's second written statement.						
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE		33. REFERRED TO		
29. SECOND OFFICER		31. SUPERVISOR APPROVING M. U. M. 830-2060		32. REVIEWER L. H. H. 800-747		34. DATE OF THIS REPORT 00005686/bb

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM WILSON, ARTHUR (NMN) COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		5. OFFENSE OR INCIDENT Homicide		2. ROUTING TO: COPIES	
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		6. DATE OF ORIGINAL INCIDENT 09-17-83		9. PAGE NO. 8	
8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
ITEM NO. 27	27 Drayton did not know the names of everyone who was present at the drink house or on the street when this incident occurred. He stated that there was a large amount of people who had seen this incident. Some of the people he remembers being present are: Willie Little, Ezelle, Larry, Hawkeye, Mary Ferguson and High Blood Ann. Drayton did not know all of the peoples' real names or their last names. He also stated that a subject by the name of Guitar Gable, Mary, Sammy Mitchell's girlfriend, Milton Peoples and Black Pap were at the drink house when the incident occurred.				
On 04-14-86 at approximately 0800 the writer, Det. Spillman and Det. Weavil met with Mattie Davis at the Public Safety Center. Ms. Davis stated that she would be willing to have a body mike placed on her and talk to Sammy Mitchell about this incident.					
At 1015 a meeting was held with District Attorney Don Tisdale to discuss the wiring of Ms. Davis.					
Ms. Davis was wired from 1230 to 1530. Attempts were made to locate Sammy Mitchell with negative results. At approximately 1532 Sammy Mitchell was located standing beside of his residence at 760 N. Patterson Avenue. He was standing on the Patterson Avenue side, near the sidewalk. Ms. Davis approached Mitchell and requested that Mitchell meet her at her residence, 345 E. 9th Street at 1630. Sammy told Ms. Davis that he would meet her there. This conversation was					
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO	
29. SECOND OFFICER CODE NO.		31. SUPERVISOR APPROVING CODE NO. 830-2060		32. REVIEWER CODE NO. 81077	
				34. DATE OF THIS REPORT 04-23-86/bb 000057	



Detective WEASEL,
Detective Sgt. McCoy

I'm calling concerning MATHIE, about seeing her
and getting clean cloth for court, also for her
to get me my medication for my heart,
also for her to take you to the pawn man
for Mr. Wilson watch. (very important)

also saw Sgt McCoy send me some cigarette's
I can't see MATHIE tomorrow because has that
check thing with her mother.

It's important that I see her about my
medication, and that watch,
Please let me know something today if possible,
I'll be waiting to hear Merritt Drayton.
from you.

002503
NCIC - WSPD

Def. Hunt Ex. 1
5-5-86 AS

Well its May 5, 1986, im 28, thats
funny because its may last Birthday
or I may see 29. at any rate,
im still going to die,
Ive made up my mind, you made
yours up a few week ago when you
said you was going to leave, so
today I must make up my mind to
live or die,
I cry night after night, because someone I
loved went away. see it cant be because
im in jail. so is it that I was use and
you never loved me, I want to know
you always talked on May 12th, and every
year you back out, so what is it,
if you love and care for me as you always,
Say than MAY 12th is Real,

if you Just said those things and used
me, than Death is better for me.

So you decide now. Because
my life is in your hands, in
count today is when I must decide
Rather to live or die.
To live I want something to live for.
if there is nothing than why live.

CAN YOU ANSWER THAT?

4 years Today. 4 year.

is it just A Dream are is it matthie
william Drayton.

if you meant anything you ever
said, that come down to the Jail.
Please.

TODAY SO I CAN TALK TO YOU
over the Phone.

NORTH CAROLINA)
)
 FORSYTH COUNTY)

IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 86 CRS 18809

STATE OF NORTH CAROLINA,)
)
 vs.)
)
 MERRITT DRAYTON,)
 Defendant)

AFFIDAVIT

I, MERRITT WILLIAMS DRAYTON, being first duly sworn, allege and say of my own personal knowledge:

1. Two days before I was arrested on a manslaughter charge for the death of Mary Smith, Officer Spoon asked me questions about Mary's Smith's death. He told me that he doubted that any charges would be brought, and I gave him a written statement about what I knew. Then, he started asking me a lot of questions about the murder of Deborah Sykes. He told me that Mary Smith was working for the police on that murder investigation. I told him that I did not know that, and Officer Spoon told me that he believed that Sammy Mitchell was involved in the murder of Mrs. Sykes and he wanted to know if Mary ever told me anything about that murder. He asked me if she ever said that she saw Sammy Mitchell the morning that Mrs. Sykes was killed. I told him that she had not talked with me about that murder, but Officer Spoon did not accept my answer and he kept badgering me about it. Finally, he got mad and said, "Damn, I know she told you something," I told him that I was in prison when Mrs. Sykes was killed and that I did not know anything. After we talked, he told me that I might be charged in the death of Mary Smith and that he would have to talk to the D.A. about it.

2. The next day, my girlfriend Mattie Mae Davis talked to Officer Spoon and she told him what she knew about Mary's death. Mattie Mae told me that Officer Spoon also told her that Mary was working for the police about the Sykes murder. On that same day, Officer Spoon and Office Weavil took me to the Police Department, I gave them another statement about the death of Mary Smith. Then, they started asking me again about the Sykes murder. I told them that I did not know anything about it. Officer Weavil got mad and told me that they had enough evidence to charge me in the death of Mary Smith and that they would go to the D.A. to see if they would file charges. They asked if I would come to the Police Station the next day at 3:00. I did go to the Police Department the next day about 3:00 and I was told that Officers Spoon and Weavil were with the D.A.. I had to go pay my rent, and as I was leaving, Officer Weavil came out, and told me to

wait, and arrested me on a charge of manslaughter in the death of Mary Smith.

3. A few days later, and I think it was on a Sunday, Officer Spoon and an SBI agent came to the Jail where I was in custody on the manslaughter charge. Again, Officer Spoon started asking me about whether Mary Smith told me anything about the murder of Mrs. Sykes. He said: "Mary is dead. You are the only hope we got. We know Mary told you something." I told him that I did not know anything, and he told me that "we can not help you then." Officer Spoon started talking loud and said they might change the manslaughter charge to murder and that I might get 20 years.

4. While I was in jail, I became very afraid of what might happen to me since I was charged with manslaughter. I was also very concerned because my girlfriend, Mattie Mae Davis, said she was pregnant. I was very worried about what might happen to her and her children if I stayed in jail. She had lost her children to the Department of Social Services and I wanted to help her get them back. I wanted to get out of the manslaughter charge if I could, and I knew that the officers did not believe when I said that I did not know anything about the Sykes murder. On April 9, I was visited by my parole officers from Greensboro and they indicated that my parole from a previous charge might be revoked. After they left, I asked Sergeant Spillman of the jail to get in touch with detectives and tell them I knew something about a murder. Officers Spillman, Hicks and Weavil of the Police Department came over to the jail. I told them I knew something about the murder of Arthur Wilson. Officer Spillman talked very loud and acted rough and he said he wanted to know whatever I knew. Officer Hicks said that the Governor had a reward out for the case, but I told her that I did not want a reward and that I wanted my freedom. Officer Spillman said, "That might can be arranged, too." Officer Hicks told me that they might be able to help me on the manslaughter case, and I believed her.

5. On April 11, Officers Weavil and Hicks came back to the jail and then took me to the police department, in handcuffs. At the time, I was represented by a local attorney, Larry Fine, on the manslaughter charge, but the officers did not call my attorney or make an effort to contact him, as far as I know. When we got to the station, that took me to a small room, maybe five feet by eight feet, and I was handcuffed to a chair. Before I gave any statements, Officer Hicks told me that she had had people charged with murder who had only gotten two year sentences. I believed that if I talked to the officers about the Wilson murder that they would help me both on the manslaughter charge and on the Wilson murder charge if I was charged with that. I gave two statements to the

officers that they wrote down. I believe they read me rights before the first statement, but I do not remember . . . them reading my Miranda rights before I gave the second statement. After I gave the first statement Officer Hicks told me that probably Sammy Mitchell, Darryl Hunt and myself would all be charged with murder but that more than likely my charge would be broken down to a lesser charge. I believed that, if I made a statement to the officers about the death of Mr. Wilson that the officers, the District Attorney and any Judge would treat me more favorably. I was also afraid that if I did not cooperate with the officers that harm might come to my girlfriend. I was worried that the officers were mad at me because they thought I knew something about the Sykes murder and I was afraid that they would try to send me to jail for as long as they could if they did not believe that I was cooperating with them.

6. On April 11, I told the officers that there was a stick at 345 East Ninth Street, and they took me there and I signed a form and they took the stick, or ax handle. Again, I told them where the handle was and I signed the form because I believed that I would be treated better in Court if I helped the police. I was handcuffed and in the custody of the officers when they took me to the place where the stick was.

7. On the day of the probable cause hearing, Mattie Mae Davis came to Court and it looked to me like she had been beaten up. I could not talk to her and I was afraid that someone had hurt her and I did not want that to happen again. The police had told me before that she would be protected, since they wanted her to be a witness for the State. I decided to testify because I believed that the only way I could be given a break was if I testified for the State that I was involved and so were Mr. Mitchell and Mr. Hunt. I understood from talking to my attorneys that Mr. Tisdale could not help me unless I testified. They said that the D. A. did not want to hear from me unless I testified. I was afraid that something would happen to my girlfriend if I did not testify. I knew I had already given statements to the police and I felt I had no choice but to testify. I believed that the officers and the D. A. expected me to testify.

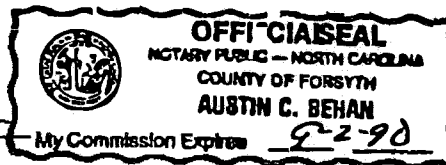
8. Several days after April 11, when I gave the first statements, Officer Weavil talked to me again and I told him the same things I had told him before. I was still incarcerated, and I still believed that the officers would help me and that I would get better treatment on the charges if I gave the statements. No officer had made any guarantees, and none of them made any specific promises as to what would happen to me, but I was confident that they would help me and that I would be better off if I cooperated.

I talked to Officers Weavil and Blevins on April 16, and they asked me a lot of questions and I believe they taped the interview. They also gave me some written questions, which I answered. I was still hoping that the officers could help me on the charge and I believed that I had no choice but to answer their questions. I talked to these officers, or others, several other times, and each time I talked to them I hoped that, by cooperating with their investigation, I could get better treatment, especially if I got charged with first degree murder in the death of Mr. Wilson.

Merritt Williams Drayton
MERRITT WILLIAMS DRAYTON

SWORN TO and SUBSCRIBED before me
this 11th day of August, 1986.

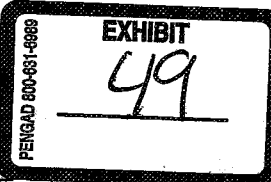
Austin C. Behan
Notary public



My commission expires: 9-2-90

POLICE DEPARTMENT

Supplement Report



3. COMPLAINANT / VICTIM SMITH, MARY ANNETTE		5. OFFENSE OR INCIDENT MANSLAUGHTER		2. COPIES	
COMPLAINANT'S ADDRESS 345 E 9TH ST		6. DATE OF ORIGINAL INCIDENT 03-05-86			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 1	

ITEM NO.	27
27.	<p>ON 03-17-86 I WAS DIRECTED TO RESPOND TO THE BAPTIST HOSPITAL AND TALK WITH DR. SCHARYJ IN REFERENCE TO AN AUTOPSY WHICH HE WAS PERFORMING ON THE COMPLAINANT IN THIS CASE. UPON ARRIVING AT THE HOSPITAL AT 1102 HRS. I TALKED WITH DR. SCHARYJ AND HE SAID THAT THE CAUSE OF DEATH IN THIS CASE WAS A CONTRA-COUP LESION ON THE FRONTAL PART OF THE BRAIN. DR. SCHARYJ EXPLAINED THAT THIS TYPE OF INJURY WAS CAUSED BY A BLOW TO THE REAR PART OF THE SKULL. HE SAID THE CONTRA-COUP INJURY HAD CAUSED THE BRAIN TO SWELL AND PUT PRESSURE ON THE PARTS OF THE BRAIN WHICH CONTROL BREATHING AND HEART RATE. HE SAID THAT THE PRESSURE CAUSED MS. SMITH'S BREATHING AND HEART TO STOP WHICH RESULTED IN HER DEATH.</p> <p>DR. SCHARYJ SAID THAT THE TYPE OF INJURY SUFFERED BY MS. SMITH WAS CONSISTENT WITH A FALL. HE SAID THAT THE INJURY COULD DEFINITELY HAVE BEEN CAUSED BY BEING PUSHED DOWN A FLIGHT OF STEPS.</p> <p>ON 03-17-86 AT ABOUT 1525 I TALKED WITH MERRITT DRAYTON MB 05-05-58 WHO LIVES AT 345 E 9TH ST. NO PHONE. I TALKED WITH MR. DRAYTON AT THE CID OFFICE. HE SAID THAT HE DID NOT REMEMBER THE EXACT DATE BUT HE THOUGHT IT WAS ABOUT 2 WEEKS AGO AND ON A WEDNESDAY NIGHT THAT THIS INCIDENT OCCURRED. HE SAID THAT HE CAME HOME AROUND 1930 AND WHEN HE GOT THERE MATTIE MAE DAVIS, (HIS GIRLFRIEND), WILLIE LITTLE AND MARY SMITH, WERE THERE. HE SAID THAT WILLIE AND MARY WERE DRUNK AND ARGUING. HE SAID THAT MATTIE ASKED HIM TO GET MARY OUT OF THE HOUSE BECAUSE SHE WAS DRUNK AND SHE (MATTIE) DID NOT WANT HER THERE.</p>

REPORTING OFFICER R.C. SPOON 830-4884	CODE NO. 123	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> CLEARED BY ARREST	<input type="checkbox"/> OPEN	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> INACTIVE	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING [Signature] 830-200	<input type="checkbox"/> EXCEPTIONALLY CLEARED	<input type="checkbox"/> SERVICES RENDERED		34. DATE OF THIS REPORT 03-20-86
		32. REVIEWER [Signature] 800-787				

2B-4200-220-1

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POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM SMITH, MARY ANNETTE		5. OFFENSE OR INCIDENT MANSLAUGHTER		2. COPIES ROUTING TO:		1. COMPLAINT NO. 614764
COMPLAINANT'S ADDRESS 45 E 9TH ST		6. DATE OF ORIGINAL INCIDENT 03-05-86				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2		

ITEM NO.	27
27.	<p>DRAYTON SAID THAT HE HAD TO HELP MARY UP AND THEN HELP HER TO THE FRONT DOOR BECAUSE SHE WAS SO DRUNK. HE SAID THAT HE HELD HER UP BY ONE ARM AND THE BACK OF HER PANTS. HE SAID THAT HE GOT MARY OUT ONTO THE PORCH AND PROPPED HER AGAINST THE RAILING. DRAYTON SAID THAT WILLIE LITTLE CAME OUT ONTO THE PORCH AND BEGAN TO ARGUE WITH MARY AGAIN SO HE MOVED MARY OVER TO THE POST AT THE CORNER OF THE PORCH WHERE THE STEPS STARTED DOWN TO THE LITTLE LANDING WHICH THEN LEAD DOWN A FLIGHT OF STAIRS TO THE STREET. HE SAID THAT LITTLE KEPT ARGUING AND WAS TRYING TO GET TO MARY. HE SAID THAT HE TURNED TO SHOVE LITTLE BACK AND WHILE HIS BACK WAS TURNED MARY STARTED DOWN THE STAIRS ON HER OWN. HE SAID THAT MARY TOOK ONE STEP AND THEN MISSED THE NEXT ONE AND FELL HEAD FIRST FROM THE LANDING DOWN THE REST OF THE STAIRS. HE SAID THAT HE WENT DOWN TO HER AND SAW THAT SHE WAS HURT AND WENT TO THE NEIGHBOR'S HOUSE AT 341 E 9TH AND CALLED AN AMBULANCE.</p> <p>DRAYTON SAID THAT THE DID NOT PUSH MARY SMITH DOWN THE STEPS BUT HE WAS AWARE THAT OTHER PEOPLE WERE SAYING THAT HE HAD.</p> <p>ON 03-18-86 AT ABOUT 1015 I TALKED WITH WILLIE EDWARD LITTLE M/B 05-17-43, OF 345 E 9TH ST. NO PHONE. I TALKED WITH MR. LITTLE AT THE CID OFFICE. MR. LITTLE SAID THAT HE COULD NOT REMEMBER THE DATE EXACTLY BUT AGREED THAT IT WAS PROBABLY ON THE 5TH OF MARCH AND ON A WEDNESDAY THAT THIS INCIDENT OCCURRED.</p>

REPORTING OFFICER R.C. SPOON 830-4884	CODE NO. RCS	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> CLEARED BY ARREST		<input type="checkbox"/> OPEN	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> INACTIVE	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING CODE NO. M. W. Spoon 830-2000	32. REVIEWER 800747	<input type="checkbox"/> EXCEPTIONALLY CLEARED	<input type="checkbox"/> SERVICES RENDERED		34. DATE OF THIS REPORT 03-20-86

28-4200-220-1

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM SMITH, MARY ANNETTE		5. OFFENSE OR INCIDENT MANSLAUGHTER		2. COPIES ROUTING TO:	
COMPLAINANT'S ADDRESS 45 E 9TH ST		6. DATE OF ORIGINAL INCIDENT 03-05-86		COPIES _____ ROUTING TO: _____ _____	
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 6	

ITEM NO. 27

27. JUNIOR BEFORE HE THREW MARY OFF OF THE PORCH. SHE SAID THAT WHEN SHE WENT OUTSIDE SHE SAW MARY AT THE BOTTOM OF THE STAIRS AND JUNIOR WAS TURNING HER OVER. SHE SAID THAT THE SAME NIGHT THIS HAD HAPPENED JUNIOR HAD COME UP TO HER AND TOLD HER THAT HE HAD THROWN MARY OFF THE PORCH BECAUSE HE WANTED HER OUT OF THE HOUSE.

ON THIS SAME DATE I TALKED TO MR. JOHN MOIR WHO LIVES AT 341 E 9TH ST WHICH IS UNDER 345. HE SAID THAT HE HAD BEEN SNOOZING IN A CHAIR ONE DAY A FEW WEEKS AGO WHEN JUNIOR (MERRITT) HAD COME TO HIS DOOR AND KNOCKED AND ASKED TO USE THE PHONE TO CALL AN AMBULANCE. MR. MOIR SAID THAT HE HAD SEEN THE WOMAN HE KNEW AS MARY AT THE FOOT OF THE STAIRS BUT HE DID NOT KNOW WHAT HAD HAPPENED TO HER.

ON 03-18-86 DET. WEAVIL AND I TALKED WITH MERRITT DRAYTON AT THE CID OFFICE AT ABOUT 1830. WE TOLD HIM THAT WE HAD BEEN TALKING WITH SEVERAL PEOPLE AND IT WAS TIME HE TOLD THE TRUTH ABOUT THIS INCIDENT. HE SAID THAT HE WAS READY TO TELL THE TRUTH BECAUSE HE WANTED TO GET IT ALL OFF OF HIS CHEST. HE SAID THAT HE HAD ALREADY BEEN HOME WHEN MARY AND WILLIE HAD COME IN DRUNK AND ARGUING. HE SAID THAT HE HAD GOTTEN MAD AT MARY BECAUSE HE COULD NOT GET HER OUT OF THE HOUSE AND SHE AND WILLIE WERE ARGUING BACK AND FORTH. HE SAID THAT HE GOT MARY OUT ONTO THE PORCH AND GOT HER STARTED DOWN THE STAIRS TO THE LANDING. HE SAID THAT WILLIE WAS ON ONE SIDE OF HIM AND MARY WAS ON THE OTHER. HE SAID THAT WILLIE WAS BETWEEN HIMSELF AND THE HOUSE AND HE KEPT PUSHING WILLIE BACK TOWARDS

REPORTING OFFICER R.C. SPOON 830-4884	CODE NO. RCS	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED	33. REFERRED TO
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING M.D. McLaughlin	32. REVIEWER 800-797
28-4200-220-1		34. DATE OF THIS REPORT 03-20-86	

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM SMITH, MARY ANNETTE COMPLAINANT'S ADDRESS 45 E 9TH ST		5. OFFENSE OR INCIDENT MANSLAUGHTER 6. DATE OF ORIGINAL INCIDENT 03-05-86		2. COPIES ROUTING TO: _____ _____ _____ _____		1. COMPLAINT NO. 617764
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 7		

ITEM NO.	27
27.	THE HOUSE. HE SAID THAT HE PUSHED MARY TO TRY TO GET HER TO GO ON DOWN THE STAIRS AND SHE WENT DOWN TO THE LANDING AND THEN STARTED BACK UP. HE SAID THAT HE THEN PUSHED HER AGAIN AND SHE FELL DOWN THE STAIRS, TUMBLING OVER AND HITTING HER HEAD ON THE CEMENT AT THE BOTTOM. HE SAID THAT HE WENT DOWN TO HER AND SAW THAT SHE WAS HURT AND CALLED THE AMBULANCE. HE SAID THAT HE DID NOT MEAN TO HURT MARY BUT HE HAD JUST GOTTEN MAD AT HER AND WANTED HER TO LEAVE.
	I OBTAINED A SECOND WRITTEN STATEMENT FROM MR. DRAYTON AT THIS TIME. HE SAID THAT HE HAD BEEN AFRAID TO TELL ME WHAT HAD HAPPENED THE FIRST TIME BECAUSE HE WAS AFRAID THAT HE WOULD BE CHARGED WITH MURDER.
	ON 03-19-86 I TALKED WITH DISTRICT ATTORNEY TISDALE AND HE AUTHORIZED A WARRANT FOR MANSLAUGHTER. I OBTAINED THE WARRANT AND IT WAS SERVED BY OFFICER CORNATZER. BOND WAS SET AT \$10,000 AND TRIAL DATE 04-02-86.
	ON 03-20-86 I TALKED WITH DET. LT. LOWRY OF THE LYNN MASS. P.D. AND HE SAID THAT HE HAD FOUND A BEVERLY THOMPSON AT 67 NEPTUNE ST. PHONE (617) 599-3408. I CALLED AND TALKED WITH MS. THOMPSON AND SHE SAID THAT SHE HAD BEEN HERE VISITING FRIENDS WHO LIVE AT 349 E 9TH ON THE NIGHT THIS INCIDENT OCCURRED. SHE SAID THAT SHE DID NOT ACTUALLY SEE THE INCIDENT. SHE SAID THAT SHE REMEMBERED MATTIE COMING TO MR. WORTHY AND ASKING HIM TO HELP MARY DOWN THE STEPS BEFORE JUNIOR

REPORTING OFFICER R.C. SPOON 830-4884	CODE NO. 223	30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED			33. REFERRED TO _____ _____
29. SECOND OFFICER	CODE NO.	31. SUPERVISOR APPROVING M.V. McLean 802060	CODE NO.	32. REVIEWER H. 800-797	CODE NO.
					34. DATE OF THIS REPORT 03-20-86

28-4200-220-1

POLICE DEPARTMENT

EXHIBIT

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Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:	
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 1	
ITEM NO.	27				
27.	This case is being reopened and assigned to Detective K. W. Bishop on 03-09-88 due to the development of new information concerning the possible identify of second and third suspects in the case.				
On 03-09-88, I learned from Detectives S. A. Hairston and O. W. Twitty that while they were interviewing, a Mr. Robbin Leon Carmichael, BM, DOB 10-22-62, Carmichael made several statements that led Detective Hairston and Twitty to believe that he has accurate knowledge about this homicide and might even be involved in it. Detective Hairston and Twitty further advised me that Carmichael was present in the interview room at that time and was willing to talk with me about the case. Detective Hairston and Twitty then provided me with a photocopy of a written Miranda Rights Waiver that was signed by Carmichael at 1329 hours that date.					
I then interviewed Carmichael about this case. Carmichael admitted to me that he had been to a house located at 2705 Gilmer Avenue on the night of 12-10-85 and that he went there with a subject he identified as Darren Johnson. Carmichael contends that Johnson came to his house that evening driving an orange Buick Skylark and that he was bleeding from the mouth. He says Johnson claimed to have been beaten up by a group of men and that he (Johnson) asked Carmichael to help him go back after those men. Carmichael says he got into the orange Skylark and Johnson then drove to Gilmer Avenue where he stopped at 2705 and stated that he needed to pick up a t.v. Carmichael says he told Johnson that he would not go into the house with him. Later in the interview, Carmichael said that Johnson told him that there was a lady inside the house who was unconscious and that is why Carmichael refused to go into the house. Carmichael says he waited outside until a dark blue Chrysler					
28. REPORTING OFFICER K. W. Bishop 830-8171		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO	
29. SECOND OFFICER		31. SUPERVISOR APPROVING CODE NO. B. M. Owen 850-1060		32. REVIEWER CODE NO.	
				34. DATE OF THIS REPORT 03-18-88 kch	

1. COMPLAINT NO.
584545

000534

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POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. COPIES ROUTING TO:		1. COMPLAINT NO. 584545
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2		

ITEM NO.	27
<p>New Yorker pulled up and stopped in front of the house on the west side of Gilmer Avenue facing south. He says he then knocked on the front door and then started walking south on Gilmer Avenue, then east on 27th Street. Carmichael says that as he walked away, Johnson ran out of the house, got into the Skylark, started it, and attempted to back out into Gilmer Avenue, but stalled the car. He started the car again and backed into Gilmer Avenue, continued to back south on Gilmer, then backed into the travel lanes of 27th Street into the pathway of an oncoming car. Johnson then drove east on 27th Street and stopped on the north side of the street and picked up Carmichael. Carmichael says he walked around the back side of the car and entered the passenger door. He says Johnson was almost hysterical and that he drove wildly through the Patterson Avenue area at a high rate of speed, running several stoplights and stop signs. Carmichael says that they eventually ditched the car on 21st Street, just off of Ivy Avenue, near some R. J. Reynolds storage buildings. He says they then walked east on 21st Street and that Johnson began throwing away small velour envelopes. Carmichael says he picked up one of the envelopes and found that it contained jewelry. He says he questioned Johnson about this and that Johnson told him to leave it and come on. Carmichael says they then went to his house where Johnson stayed for the night. Johnson allegedly spent the night in a chair. Carmichael says that after Johnson left the next morning, he found several more of the velour envelopes of jewelry in that chair. Carmichael said he had those envelopes at his house at the time of the interview and was willing to turn them over to the police.</p> <p>Due to my limited knowledge of this case at the time of the interview, I called Detective R. C. Spoon and Sergeant T. A. Freeland to CID to assist me. Detective</p>	

28. REPORTING OFFICER K. W. Bishop 830-8171		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENAILED		33. REFERRED TO	
29. SECOND OFFICER B. H. Owen 830-1060		31. SUPERVISOR APPROVING CODE NO.		32. REVIEWER CODE NO.	
				34. DATE OF THIS REPORT 03-18-88 kch 000535	

POLICE DEPARTMENT

Supplement Report

3. COMPLAINANT / VICTIM BRYSON, BLANCHE RAGINS		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES TO:	
4. COMPLAINANT'S ADDRESS 2705 Gilmer Avenue		6. DATE OF ORIGINAL INCIDENT 12-10-85			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 3	
ITEM NO.	27				
Spoon and Sergeant Freeland then interviewed Carmichael separately and each later advised me that they were confident that Carmichael was present at the crime scene.					
At the conclusion of the interviews, Carmichael escorted Detective Twitty and Hairston back to his residence where he handed over five small, brown velour envelopes of costume jewelry. Each envelope has the name "Artistry" embossed on it. Detective Hairston turned those items over to me and I stored them in Property Control under tag number 8801788.					
I also requested Identification Specialist, C. M. Crater, to compare the latent fingerprint lifts from the crime scene to the known impressions of Darren Johnson and Robbin Carmichael. Mr. Crater did compare the prints and has determined that latent print number one, which was lifted from the passenger door of the victim's stolen white over orange Buick Skylark, is identical to the right ring finger of Robbin Leon Carmichael.					
On the morning of 03-10-88, I met with Mrs. Peggy Witherspoon, who was a close friend of Blanche Bryson. I showed her the five velour envelopes of jewelry and she immediately became somewhat emotional and stated that Blanche had numerous envelopes exactly like those and that Blanche was a very fond collector of costume jewelry. Mrs. Witherspoon was unable to identify any specific piece of jewelry.					
On the afternoon of 03-10-88, I met with Mrs. Barbara Goodin, who was also a close personal friend and coworker of Mrs. Bryson. Mrs. Goodin also immediately					
28. REPORTING OFFICER K. W. Bishop 830-8171		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDLINED		33. REFERRED TO	
29. SECOND OFFICER CODE NO.		31. SUPERVISOR APPROVING B.M. Blythe 830-1062		34. DATE OF THIS REPORT 03-18-88 kch 000536	

Supplement Report

584545



DATE: 04-15-86
CONVERSATION: Mattie May Davis
 Sammy Mitchell
MONITORED BY: Det. T. H. Hicks
 Det. R. N. Weavil
 Det. R. A. Spillman
TIME: 1110 Hours

Davis: Come here please, right here please. I need to talk to you real bad, please.

Mitchell: About what?

Davis: About Junior. Please Sammy, please help me.

Mitchell: Help you do what?

Davis: OK, I went to see Junior last Thursday, right. He's talking about he's thinking about telling the police about - what's that man's name that got killed over by Ezells, the one they found dead by the store.

Mitchell: I don't know his name.

Davis: And, they trying to get me involved with it. I'm pregnant. He told them about a stick or something. He told them something about a hatchet stick or something. Saying that you had hit the man with it - some stuff.

Mitchell: I wouldn't over there.

Davis: My nerves is bad, Sammy. I'm pregnant. I don't want to have my baby in prison and they questioned me and everything.

Mitchell: I don't know anything about that shit. I wouldn't even over there.

Davis: Junior had told me that - he told me that he's thinking about going and talking back to them. I supposed to go back down there Thursday.

Mitchell: I wouldn't even over there when that happened.

Davis: My nerves, Sammy.

Mitchell: Me and Darryl was running together then. He was making time then. Why's he going to go tell a lie on me.

Davis: No, he wasn't. Huh uh. I'm so nervous.

Mitchell: I didn't see him there. I don't know who did that. I wouldn't even over there when that man got killed.

Davis: Sammy, what should I do?

Mitchell: I don't know. If you didn't do nothing, what you nervous about?

Davis: Because they trying to get me involved. He's trying to get me involved. I don't want to get involved. I -

CONVERSATION: Mattie May Davis; Sammy Mitchell
Page 2

Mitchell: Did he do it?

Davis: He say you and him. He say he got some of the money. He say you got some of the money too.

Mitchell: He can go tell it like he wants to. I laugh his ass out of here.

Davis: That's why he wanted to, you know, talk to you about the other day, when I talked to you about him.

Mitchell: 'Cause I ain't did nothing. Let him go ahead tell that lie on his own self, if he's going to be that God damn big of fool.

Davis: I'm so nervous. I can't get no sleep.

Mitchell: They must be scaring him up to get him to say some shit like that.

Davis: He ain't talked to them yet. He told me he's supposed to talk to them this week. I'm going to go back down there and see him this Thursday.

Mitchell: (Unintelligible)

Davis: They asked me did I see Junior and you. They say a girl was with him. Junior told me they said the stick you had is somewhere in the house and I'm looking for the stick and I can't find the stick in the house. It's got black tape around it.

Mitchell: Junior's telling a lie. Me and Junior wouldn't running together. You ought to know that by now. Wouldn't nobody running together then but me and Darryl. When that man got killed me and Darryl wasn't even on that side of town. Go ahead and tell him he can tell a lie if he wants to, he's just going to be looking like a damn fool.

Davis: Lord have mercy.

Mitchell: They ain't talked to me yet. They must not believe the shit.

Davis: They ain't been down here to see you?

Mitchell: Huh uh.

Davis: See, he went and told me, he told me to come and talk to you and I did. I'm supposed to see him on Thursday.

Mitchell: You tell him he can go tell it like he wants to, 'cause he ought to know better than that. He knows I ain't been with him. I wouldn't even hanging with him. I ain't never hung with Junior. You ought to know that. As long as you been talking to him. Only time I ever see Junior is at Ezell's house, he be getting a drink or something. Otherwise, running together, no way. Tell him he can go tell that lie if he wants to. Makes me no difference. They can come talk to me. I ain't done shit.

Davis: OK, then.

Mitchell: I got proof. I wouldn't even over there.

CONVERSATION: Mattie May Davis; Sammy Mitchell
Page 3

Davis: 'Cause I came by here last night and your mother say you wouldn't here. She say you don't stay here.

Mitchell: I don't stay over here.

Davis: And I came by a little bit, while ago - the reason why I came back by here -

Mitchell: Why you so worried? You all must have did it.

Davis: I didn't do nothing.

Mitchell: What you worried about then.

Davis: I didn't do nothing.

Mitchell: Well, you know good and well you wouldn't with me. I wouldn't with you all fools. I don't know why you got to be worried.

Davis: See, I don't want to get involved with nothing. I got a little family. I got to try to get my kids back. My kids ain't with me. Plus, I'm fixing to have another one.

Mitchell: They said - didn't you tell them you hadn't seen me with nobody?

Davis: I saw you.

Mitchell: All right then, but see, that ought to tell you something right there.

Davis: And, you mama say she called over there and talked to Ezell. She say Ezell say you wouldn't there or something.

Mitchell: I came over there the next day and found out that man got killed. Don't you know if they thought I did this they'd done talked to me by now.

Davis: You think they going to get in touch with you. When he talks to them. I think he's going to talk to them Thursday, after visiting hours.

Mitchell: I don't care what he says. He can go tell all the lies he wants.

Davis: OK, then. Thank you, here.

Mitchell: Tell him he'll be making an ass out of himself telling a lie like that.

/bb

CONVERSATION: Mattie May Davis; Sammy Mitchell

DATE: 04-15-86

MONITORED BY: Det. T. H. Hicks

Det. R. N. Weavil

Det. R. A. Spillman

TIME: 1117 Hours

Davis: Sammy, please help me.

Mitchell: Do what.

Davis: Please help me. I'm really nervous. You can help me some kind of way, so please.

Mitchell: I don't know nothing about that (unintelligible)

Davis: 'Cause, that night I did see you standing out there, though.

Mitchell: Don't you stand there and tell that lie.

Davis: For real, me, Junior - OK, we's playing spades -

Mitchell: You go tell them that. You going to be telling a damn lie, 'cause I was not on that side. I found out that man was killed the next day.

Davis: Sammy, I'm not telling no lie. Please help me.

Mitchell: Well, you go tell them what you want to tell them. I didn't do it. I was not out there. Me and Darryl didn't never tote no stick. You go tell them anything you want to tell them. I got proof where I was at.

Davis: Please, please help me Sammy, please.

Mitchell: You go tell them what you want to say. I wouldn't out there.

Davis: Sammy, yes you was.

Mitchell: I was not out there. I don't care what you say. Did you see me jump on the man? You cannot say that.

Davis: I seen you push him.

Mitchell: You ain't - ah, come on here.

Davis: Then kicked him like that. Yes I did, Sammy. 'Cause that's when the rest of them came out there and -

Mitchell: I wouldn't there.

Davis: If I was to have -

Mitchell: Go down to that jail. Tell them what you want to tell them, then I'm going to have my witness tell them where I was at that night. I'll make you all a lie.

Davis: You can't make me no lie.

CONVERSATION: Mattie May Davis; Sammy Mitchell
Page 2

Mitchell: How much you want to bet.

Davis: How much you want to bet.

Mitchell: How much you want to bet.

Davis: How much you want to bet. We ain't got to argue about it 'cause I just want you to help me.

Mitchell: (unintelligible)
'Cause you all going to look like a fool waiting this long to come out and tell shit like that on me now.

Davis: Well, see, he just told me Thursday.

Mitchell: Whether he told you or not - that's - he just told you a lie, that's all, he just told you a lie.

Davis: He just brought it up Thursday.

Mitchell: I didn't meet Junior until about a year ago. Didn't even know him.

Davis: Sammy, please help me, Sammy.

Mitchell: Wait 'til my mama come back. Let me go tell her this shit. I'm going to go down there and talk to them people. I'm going to tell them right now. They can come and talk to me when they get ready. I wouldn't out there. I got Ezell and them on my side. Say I wouldn't even on that side of town. And the man that got killed, I don't even know him.

Davis: Lord, I don't know what to do. I don't know his name either. But, I had seen him.

Mitchell: I hadn't even seen the man. Don't even know him and wouldn't even over there that night.

Davis: Sammy, yes you was.

Mitchell: I don't care what you say. You may have seen me and Darryl in the day there, but you didn't see us that night.

Davis: You was over there that night, 'cause had come up during the day time 'cause that when I first talked to - 'cause that's when I talked to Darryl.

Mitchell: That's right, you've seen me in the day time, that's right. But, we did not stay over there 'til dark.

Davis: Sammy, you all had left and came back.

Mitchell: Go tell them what you want to tell them.

Davis: Lord, I don't know what to do.

Mitchell: You'll be telling a lie.

CONVERSATION: Mattie May Davis; Sammy Mitchell
Page 3

Davis: No, I won't.

Mitchell: You go ahead and tell them what you want to tell them. I will take a lie detector test.

Davis: I will too.

Mitchell: I will take a lie detector test.

Davis: OK, then.

Mitchell: I didn't rob no mother fucking body. I didn't carry no stick.

Davis: I didn't see you with no money. I didn't see you get no money.

Mitchell: OK, you didn't see me hit nobody either.

Davis: Yes, I did. I didn't see you with no stick.

Mitchell: All right then. You didn't see me do nothing.

Davis: Junior was the one telling me about the stick.

Mitchell: I didn't even know Junior then. How many times I got to tell you.

Davis: Sammy, yes you did.

Mitchell: I might have seen him at Ezell's house, but knowing him by his name, I didn't. I just met Junior when he came back off the chain gang this time. I didn't even know you all used to talk.

Davis: Well, I don't know what to do.

Mitchell: You can go down there and lie. I'm going to go down there and take a lie detector test. Clear myself of two things.

Davis: OK.

Mitchell: You can go tell them what you want to tell them. You and Junior can tell that lie on me if you want to. You all going to be in trouble. I can sue you all for that shit. Go ahead, do what you want to do. I'm not scared. I didn't do nothing. They can go down there and talk to Darryl. Me and Darryl know where we was at that night. 'Cause we came back over there at Ezell's. Ezell said, "Don't you know somebody got killed last night. First thing I said was, I said I'm glad I wouldn't over there, 'cause they'd put it on us. That was the first words that came out of my mouth. I got Ezell and Redd on my side. So, you can do what you want to do. Tell them people I wouldn't even over there on that side.

Davis: Well, you might have to take a lie detector test.

Mitchell: I don't care. They can come and talk to me all they want to.

CONVERSATION: Mattie May David; Sammy Mitchell
Page 4

Davis: OK, then.

Mitchell: Do what you want to do.

Davis: OK.

/bb

WINSTON-SALEM, N. C.

IR358533-098

EXHIBIT
52
FENGLAD 800-631-6868

POLICE DEPARTMENT

030184

Supplement Report

3. COMPLAINANT / VICTIM WILSON, ARTHUR		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks	
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 1	
ITEM NO. 27	27 On 04-09-86 the writer, Det. R. N. Weavil, and Det. R. A. Spillman, Det. T. H. Hicks went to the Forsyth County Jail to talk with Merritt Drayton in reference to some information that he had on a homicide. Mr. Drayton had contacted personnel at the jail, who had in turn contacted Det. Spillman about this information. while at the jail, Mr. Drayton advised the writer that he had witnessed a homicide which had occurred 09-17-83 on Claremont Avenue. He stated that Sammy Mitchell and Darryl Hunt had beat Art Wilson with a stick. Mr. Drayton stated that he was a witness to the actual assault.				
	The writer was not familiar with this particular homicide and returned to the Public Safety Center, where the report was found. The information given by Mr. Drayton was consistent with the information in the police report.				
	On 04-11-86 at 1310 hours the writer and Det. T. H. Hicks went to the Forsyth County Jail and picked up Merritt Drayton. Mr. Drayton was to be transported to the location where the incident occurred in an attempt for him to point out the actual spot of the incident. While enroute, Mr. Drayton made the statement, "What are they going to do to me when they find out I was involved in this?" At this time Mr. Drayton was transported to the Public Safety Center, where he was advised of his Miranda Rights, which he waived. Mr. Drayton gave the writer and Det. Hicks a statement in which he advised that he was with his common-law wife, Mattie Mae Davis, at the drink house on Claremont Avenue on 09-17-83. He stated that there were several other people in the drink house. Some of the people that he knew for sure that were there were Sammy Mitchell, Darryl Hunt, Ezelle, and Arthur Wilson. Mr. Drayton stated it was around 9:00 or 9:30 at night when he got to				
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO	
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR/ APPROVING CODE NO. 830-2060		32. REVIEWER 830-777	
		34. DATE OF THIS REPORT 0000986/bb			

WINSTON-SALEM, N. C.

IR358533-099

POLICE DEPARTMENT

030185

Supplement Report

COMPLAINANT / VICTIM WILSON, ARTHUR		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks	
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2	

1. COMPLAINT NO.
358533

ITEM NO. 27	27
the drink house. Mr. Drayton stated that Arthur Wilson was buying drinks for all the ladies in the drink house. He stated that Sammy Mitchell got upset and had words with Arthur Wilson, because Mr. Wilson refused to buy him a drink.	
Mr. Drayton stated to the writer that Darryl Hunt asked him to go to the back room, which is near a bathroom, at which time he talked to Sammy Mitchell and Darryl Hunt about Arthur Wilson. At this time it was brought up that Mr. Wilson had a lot of money on him and they could have a good party. Mr. Drayton stated he left the drink house to buy some wine. On returning to the drink house, he again was called to a back room, where he talked with Sammy Mitchell and Darryl Hunt again about Arthur Wilson. At this time Sammy Mitchell asked him to take Mr. Wilson from the drink house down to Redd's Drink House, which is south of that location on Claremont Avenue.	
Mr. Drayton advised the writer that he, along with his wife and Arthur Wilson went out the back door of the drink house and started towards Claremont Avenue. He stated while walking south on Claremont Avenue Mattie Mae Davis hesitated and at that time Sammy Mitchell and Darryl Hunt came up on him and Arthur Wilson. At this time Sammy Mitchell clotheslined Art. Art fell to the ground and Sammy started striking Art in the back of the head with an ax handle. He stated Darryl started kicking him in the head and body with his boots. Mr. Drayton stated that they leaned Mr. Wilson up off the ground, at which time Sammy Mitchell told him to get the money from his pocket. Mr. Drayton stated he reached into his pocket and removed the money from the victim's right front pocket. Mr. Drayton also advised the writer that the licks started sounding mushy, referring	

28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED		33. REFERRED TO <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED	
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING [Signature] 830-2000		32. REVIEWER [Signature] 830-2000	
28-4300-220-1		34. DATE OF THIS REPORT 000000 6/bb		NCIC WSPD	

WINSTON-SALEM, N. C.

IR358533-100

POLICE DEPARTMENT

030186

Supplement Report

1. COMPLAINANT / VICTIM WILSON, ARTHUR		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 3		
ITEM NO.	27	to the stick hitting the victim.				
Mr. Drayton advised the writer that he gave the money to Sammy Mitchell.						
See attached statement of Merritt Drayton taken 04-11-86, at 1430 hours.						
Mr. Drayton was transported by the writer, Sgt. McCoy and Det. Hicks to the 1700 block of Claremont Avenue. Drayton pointed out the area where the assault occurred.						
This was consistent with the report filed on 09-17-83.						
Mattie Davis was found in the 1800 block of Claremont Avenue. She was transported along with Mr. Drayton to 345 E. 9th Street. Mr. Drayton had already signed a Consent Search for the residence, at which time the writer and Det. Hicks and Sgt. McCoy retrieved an ax handle with black tape wrapped around it. Mr. Drayton advised that this was the stick used in the assault of Arthur Wilson. Sgt. McCoy took polaroid pictures of the weapon.						
Merritt Drayton and Mattie Mae Davis were not left alone during the time they were transported together and they were not allowed to talk about the incident.						
Mattie Mae Davis and Mr. Drayton were transported back to the Public Safety Center at which time Mr. Drayton was given a polygraph examination. Ms. Davis was interviewed by the writer and Det. Hicks.						
Mattie Mae Davis was interviewed at 1747 hours on 04-11-86. She advised the						
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO		
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING CODE NO. M.V. McCoy 830-2060		32. REVIEWER CODE NO. 800777		34. DATE OF THIS REPORT 00010086/bb

POLICE DEPARTMENT

Supplement Report

COMPLAINANT / VICTIM WILSON, ARTHUR		030187		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 4		
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED								
ITEM NO. 27	<p>writer and Det. Hicks that she was at Ezelle's drink house on the night of the assault on Arthur Wilson. She stated that she remembered Sammy Mitchell trying to pick a fight with the victim. She stated that she did not remember the victim saying anything back to Mr. Mitchell. She advised later in the night that Merritt and herself were leaving the drink house on Claremont Avenue, at which time she observed Mr. Wilson on Claremont Avenue. She stated that Sammy Mitchell and Darryl Hunt came up to Mr. Wilson and that Sammy Mitchell pushed the man and he fell to the ground. She stated at this time that she could not see what Darryl was doing and that she turned and went back to the drink house.</p> <p>After the completion of the polygraph examination of Merritt Drayton, Mr. Drayton gave another written statement, taken on 04-11-86 at 1752 hours at the Public Safety Center. Mr. Drayton's second written statement was consistent with the first except Mr. Drayton admitted being involved in the assault of the victim and stated that after Sammy Mitchell had hit him with a stick and he had passed Mr. Mitchell the money, Sammy Mitchell gave Mr. Drayton the stick, at which time he hit the victim no more than three times on the back, with the ax handle.</p> <p>On 04-14-86 the writer, Det. Spillman and Det. Hicks placed a body mike on Mattie Mae Davis in an effort to record a conversation between her and Sammy Mitchell about the homicide of Arthur Wilson. Ms. Davis was taken to several locations in an effort to find Sammy Mitchell with negative results. At approximately 1532 hours Mr. Mitchell was located outside of his residence at 760 N. Patterson Avenue, at which time Ms. Davis made contact with him. She advised Mr. Mitchell that she needed to see him at her residence at 1630 hours. Mr. Mitchell stated that</p>							
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO				
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING CODE NO. M. J. McCall 830-2060		32. REVIEWER L. J. [Signature] 830-747		34. DATE OF THIS REPORT 000109/bb		

April 11, 2019

Commission Interview with Merritt Williams

April 11, 2019 – Arthur Wilson, Part II

Page #	Summary	Exhibit
1	Interview of MWD on April 11, 2019 by Brian Ziegler (BTZ), Catherine Matoian (CLM), and Beth Tanner (DET). Julie Boyer, counsel for MWD, was also present.	
2	Exhibit list.	
3	The plan is to finish discussing the Wilson case, take a break, then begin with the Bryson case.	
4-6	MWD reviews Exhibit 52 and make highlights.	Exhibit 52 – Statement
7	MWD does not remember saying Mitchell clotheslined the victim or about him being hit in the back of the head with an ax handle. Before the statements were taken, there were “scribble statements” written down to go over.	
8	MWD would start writing a statement and police would tell him it didn’t look right and he would have to start writing again. He thinks he wrote four different statements.	
9	The statements were changed numerous times, MWD said, until one was used for the indictment. If a change was made, he would rewrite the whole statement and police would put the first statement to the side.	
10-11	MWD is asked about not highlighting a reference to the victim being clotheslined on Exhibit 45 yesterday. He can’t remember if he said that because there were so many statements. Exhibits 53 and 54 are introduced. MWD did not write exhibit 53. Some of the handwriting on Exhibit 54 looks like his and some doesn’t.	Exhibit 53 – Handwritten statement Exhibit 54 – Handwritten statement
12-14	Discussion of which parts of Exhibit 54 MWD thinks is his writing and which parts are not his writing.	
14	Exhibits 53 and 54 are the statements he mentioned earlier about writing with police. MWD states that he never referred to Mattie Mae as his wife.	
15	Some parts of Exhibit 53 are inaccurate. MWD does not recall telling police about Mattie Mae being pregnant and potato salad.	
15-16	MWD recalls doing four written statements.	
16-17	MWD thinks the witnesses who came forward from the drink house in 1986 could provide facts that supported his story because they talked with Mattie Mae after he talked with Mattie Mae. He believes the witnesses were told what to say because “there is a 95 percent chance” they could not have seen what they said they saw.	

18	MWD states there were always vehicles, including two large trucks, parked in the street. He does not know if they were there on the day of the crime, but “they always stay there.”	
19	Most people who left out the back door of the drink house didn’t walk through the yard to the front because it was junky and there was no light. They would go out to 17 th or 18 th St. Other than Mattie Mae, MWD never talked with any of the other people from the drink house about getting a story together.	
20	MWD thinks it is important that Mattie Mae said she was 6 feet away from the crime and did not mention the ax handle.	
21	MWD learned that Mattie Mae never mentioned the ax handle from Zerwick. MWD said he knew Mattie Mae did not see an ax handle because there wasn’t one. When asked if there is anything else he replied, “Just the wild stuff that – the crazy statements I made that screwed the whole thing up by making them. And that’s the hard part, understanding why I did it” (p. 21, lines 12-15).	
22	Certificate of transcript.	

NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO.: 86 CRS 018809

STATE OF NORTH CAROLINA,

Petitioner,

T R A N S C R I P T

vs.

Merritt Williams Drayton

Merritt Williams Drayton,

Recorded Interview

Defendant.

Vol. II

This is the transcript of the recorded interview taken of Merritt Williams Drayton, Vol. II, which was conducted by Brian Ziegler, Staff Attorney, Donna "Beth" Tanner, Associate Director, and Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The interview took place on April 11, 2019.

APPEARANCES:

Donna "Beth" Tanner, Associate Director
Catherine Matoian, Grant Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present: Julie Boyer, Esq.
Merritt Williams Drayton

1	E X H I B I T S			
2	Number			Page
3	53	Handwritten statement		10
4	54	Handwritten statement		10
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1 P R O C E E D I N G S

2

3 MS. MATOIAN: Good to see you again.

4 MR. WILLIAMS: I couldn't sleep at all.

5 MS. MATOIAN: No.

6 MR. WILLIAMS: I stayed up all night trying to go
7 back and remember things.

8 MS. TANNER: That's okay.

9 MR. WILLIAMS: It was rough.

10 MS. TANNER: Okay. So we're going to start with a
11 little bit of the Wilson case. We don't have -- I don't
12 have very many questions left in that, and then we're going
13 to take like a -- a break, literally like turn off the
14 recorders, take a break, and then we'll talking about the
15 Bryson case.

16 MR. WILLIAMS: Okay.

17 MS. TANNER: Okay?

18 MR. WILLIAMS: Uh-uh.

19 MS. MATOIAN: And I think they're going to bring
20 you a lunch so that you don't miss it.

21 MS. TANNER: Yes.

22 MY BOYER: We asked (inaudible) --

23 MR. WILLIAMS: Yeah.

24 MS. TANNER: We -- yeah.

25 MR. WILLIAMS: We discussed that yesterday and

1 they said, You're going to be in there a long time. We're
2 going to have to just fix your lunch and bring it to you.

3 MS. MATOIAN: Right.

4 MS. TANNER: Yes. So they seem to be prepared for
5 that.

6 MR. WILLIAMS: Yeah. They're prepared.

7 MS. TANNER: So we will -- we will definitely make
8 that a thing. If you need a break at any point, just let me
9 know.

10 MR. WILLIAMS: All right.

11 MS. TANNER: And if you don't understand something
12 I ask you, just let me know, okay?

13 MR. WILLIAMS: Okay.

14 MS. TANNER: Okay. So one of the processes we
15 were doing yesterday was having you look at some of the
16 reports that had been written about statements you had made.
17 There's only one more if those. It's already been marked as
18 52. So I am going to show you that.

19 It starts -- you'll see the black lines. That
20 will help you know when to start --

21 MR. WILLIAMS: Stop.

22 MS. TANNER: -- and kind of stop and then start
23 and stop, okay. And Catee has the highlighter. I'm going
24 to steal it.

25 MS. MATOIAN: Uh-huh.

1 MS. TANNER: There you go. We're going to do
2 orange today.

3 MR. WILLIAMS: All right.

4 MS. MATOIAN: Or pink. Your preference.

5 MS. TANNER: Yeah. It's truly embarrassing how I
6 take notes.

7 MS. MATOIAN: If it works for you, it works for
8 you.

9 MS. TANNER: Exactly.

10 MS. MATOIAN: I still take notes the way my
11 7th grade science teacher made us take notes. It's just
12 burned into my brain.

13 MY BOYER: (Inaudible.)

14 (Inaudible conversation held off record.)

15 (Pause.)

16 MY BOYER: (Inaudible.)

17 MS. MATOIAN: I think it's just going to be
18 happening all day today.

19 MR. WILLIAMS: The table?

20 MS. MATOIAN: Uh-huh.

21 MY BOYER: Yeah. I'll stop leaning on it because
22 every time I stop leaning on it, it just like flies at you.
23 And that's --

24 MS. TANNER: It's one of the ones they just use in
25 the back for shake down. So probably raggedy by now.

1 (Pause.)

2 MS. TANNER: It should be the same thing on the
3 last page here.

4 MR. WILLIAMS: This page?

5 MS. TANNER: Yep. There's just -- it looks like
6 there's just that one little paragraph right there. I think
7 that might just be about your polygraph.

8 What are we on?

9 MS. MATOIAN: Fifty-three.

10 MS. TANNER: I'm going to show him these. Is that
11 your writing?

12 MS. MATOIAN: Uh-huh.

13 MS. TANNER: (Inaudible.)

14 MS. MATOIAN: Oh, okay.

15 MS. TANNER: So -- it doesn't matter. Can we put
16 them together?

17 MS. MATOIAN: Huh? Yeah.

18 MS. TANNER: Okay.

19 MS. MATOIAN: (Inaudible.) I think that's fine.

20 MS. TANNER: (Inaudible.) Thank you.

21 Okay, thank you.

22 MR. WILLIAMS: Uh-huh.

23 MS. TANNER: Okay. So I'm looking at Exhibit 52.

24 Okay, let's do talk about this. So this -- what you've
25 highlighted here is on page 2 of Exhibit 52.

1 "At that time, Sammy Mitchell and Darryl Hunt came
2 up on him and Arthur Wilson. At this time, Sammy Mitchell
3 clotheslined Art."

4 So when we talked yesterday -- do you have that,
5 51 -- you said you don't remember saying to police that
6 Sammy Mitchell and Darryl Hunt came up on him and
7 clotheslined him. What is incorrect about that?

8 MR. WILLIAMS: I can't remember saying that.

9 MS. TANNER: Okay.

10 MR. WILLIAMS: I just don't remember saying that.

11 MS. TANNER: The part about striking Art in the
12 back of the head with an ax handle?

13 MR. WILLIAMS: I can't remember --

14 MS. TANNER: Okay.

15 MR. WILLIAMS: -- saying that. It was -- there
16 were -- before most of the statements were ever done, there
17 were so many -- I don't know what you'd call them -- like
18 just scribble statements --

19 MS. TANNER: Right.

20 MR. WILLIAMS: -- back and forth, back and forth
21 until --

22 MS. TANNER: Scribble state -- tell me more about
23 that.

24 MR. WILLIAMS: It's like -- it's like writing
25 something down and go over it.

1 MS. TANNER: Okay.

2 MR. WILLIAMS: Make the corrections, and once the
3 correction made, they use that.

4 MS. TANNER: Okay.

5 MR. WILLIAMS: And that was just it. It's nothing
6 -- nothing concrete.

7 MS. TANNER: When you would make a correction --
8 when you say "scribble" it, do you mean something you wrote
9 down about what happened?

10 MR. WILLIAMS: Like my statement, when I start to
11 write it and they'll read it and it didn't look right and I
12 had to start writing again.

13 MS. TANNER: Okay.

14 MR. WILLIAMS: Their idea of the statements then
15 -- after last night when I thought about it -- was that they
16 were more concerned about getting the grand jury to believe
17 -- have a statement that was believable --

18 MS. TANNER: Who was "they"?

19 MR. WILLIAMS: -- for the indictment. Mr. Weaver
20 (sic). And I went through -- it was more than two
21 statements. I think it's like four, four different
22 statements.

23 MS. TANNER: And when you say "four statements,"
24 do you mean the ones you wrote down?

25 MR. WILLIAMS: Uh-huh.

1 MS. TANNER: Okay.

2 MR. WILLIAMS: And they were changed numerous time
3 until one was made that they used for the indictment.

4 MS. TANNER: Okay. When the statements would
5 change, what would happen -- so let's say we've got
6 statement one, you've written it, and you're going to make a
7 change to statement one. What would happen to statement
8 one? Would you make the changes on that statement or would
9 you start again?

10 MR. WILLIAMS: We'd do the whole statement over.

11 MS. TANNER: Okay. What did the police do with
12 statement one in your presence?

13 MR. WILLIAMS: They just moved it to the side and
14 I started over.

15 MS. TANNER: Okay.

16 MR. WILLIAMS: And then they would take -- go back
17 to this -- this statement and look at it for the comparison.

18 MS. TANNER: Okay.

19 MR. WILLIAMS: And then once it suited them, they
20 would just -- they'll just keep on going.

21 MS. TANNER: Okay. And you thought that you wrote
22 out at least four statements?

23 MR. WILLIAMS: There were four statements written.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: Different ones.

1 MS. TANNER: On -- on Exhibit 45 that we talked
2 about yesterday -- I know we've looked at a lot of
3 statements, okay -- there is also a part about Sammy
4 clotheslining Art with his arm that you didn't highlight.
5 Do you have a recollection of whether or not you told police
6 that Mr. Mitchell clotheslined Art with his arm?

7 MR. WILLIAMS: I tried all night last night to
8 remember as much as I can, what I had told them, I couldn't
9 -- couldn't remember some parts of it.

10 MS. TANNER: Okay.

11 MR. WILLIAMS: I couldn't remember that at all.

12 MS. TANNER: So let me make sure I'm understanding
13 you're -- what you're saying. You couldn't remember telling
14 police that Sammy clotheslined Art with his -- with his arm?

15 MR. WILLIAMS: It was so long ago. I tried to
16 bring most this stuff back, see if I could remember.

17 MS. TANNER: Okay.

18 MR. WILLIAMS: Since there were so many different
19 statements.

20 MS. TANNER: Okay. Yes. There -- yes, I see
21 that. Okay.

22 Okay. I'm also now going to show you what we've
23 marked as 53 and 54. These are handwritten statements.

24 MR. WILLIAMS: Uh-huh.

25 (Exhibit Numbers 53 and 54 were introduced.)

1 MS. TANNER: And the first thing I'm going to ask
2 you is -- I'm going to look at 53 first -- do you recognize
3 that handwriting, like the actual handwriting itself?

4 MR. WILLIAMS: No. It's not mine.

5 MS. TANNER: Okay. Let's look at 54. Do you
6 recognize this handwriting, like the actual handwriting
7 itself?

8 (Pause.)

9 MS. TANNER: So just the -- just the handwriting.
10 If you see there's like three -- this page is turned
11 sideways. I don't have answers for that. That's just how
12 we received the copy. But do you recognize that
13 handwriting?

14 MR. WILLIAMS: I'm looking at it. It's strange
15 because some of the handwriting does look like mine, but
16 some of it -- some of it don't. I --

17 MS. TANNER: Looking at the first page of page 54,
18 can you tell me what handwriting looks like yours? Just
19 point to any line.

20 MR. WILLIAMS: That would not be mine.

21 MS. TANNER: Which one?

22 MR. WILLIAMS: "Vodka and beer" --

23 MS. TANNER: So is it --

24 MR. WILLIAMS: -- "and some wine," no.

25 MS. TANNER: Okay.

1 MR. WILLIAMS: I can show you my writing. Some of
2 it look like mine, but no.

3 MS. TANNER: So let me make sure that I'm being
4 clear about the separation between facts that you feel like
5 you may not have accurately reported to police and the
6 actual handwriting you see on here, okay.

7 So are you saying that the handwriting that
8 created "Vodka and a beer" and whatever it is to the end of
9 that sentence -- I'm struggling to read upside down -- does
10 not look like your handwriting?

11 MR. WILLIAMS: It's not my handwriting.

12 MS. TANNER: It's not your handwriting?

13 MR. WILLIAMS: No.

14 MS. TANNER: Is there some lines on here that are
15 your handwriting?

16 MR. WILLIAMS: It is strange. Someone either
17 tried to copy my handwriting 'cause I don't -- my Ws
18 definitely -- this handwriting is not mine 'cause I have a
19 sloppy cursive writing.

20 MS. TANNER: Okay. So you do have a sloppy
21 cursive writing --

22 MR. WILLIAMS: Yeah.

23 MS. TANNER: -- and you're saying you don't
24 recognize --

25 MR. WILLIAMS: No.

1 MS. TANNER: -- some of this as yours?

2 MR. WILLIAMS: This right here --

3 MS. TANNER: Down here where it says "To Sammy,"
4 this piece here?

5 MR. WILLIAMS: Uh-huh.

6 MS. TANNER: What --

7 MR. WILLIAMS: I know --

8 MS. TANNER: -- what about that?

9 MR. WILLIAMS: That's my handwriting.

10 MS. TANNER: That's your handwriting?

11 MR. WILLIAMS: Uh-huh.

12 MS. TANNER: I'm going to just let you put an
13 orange mark right there just on that line that you think is
14 your handwriting.

15 MR. WILLIAMS: The whole thing that's my
16 handwriting?

17 MS. TANNER: That you think is, yeah, on
18 Exhibit 54. Okay.

19 MR. WILLIAMS: That. There's quite a few little
20 things that definitely not my handwriting.

21 MS. TANNER: Okay. So I know we've just looked at
22 page 1 of Exhibit 54 --

23 MR. WILLIAMS: Uh-huh.

24 MS. TANNER: -- and you've highlighted this
25 section right here that you say looks like something that

1 you might have written, and the rest of this first page, at
2 least, you don't recognize as your own handwriting?

3 MR. WILLIAMS: Uh-uh.

4 MS. TANNER: Yes, sir.

5 MR. WILLIAMS: I know this is my -- my writing.

6 MS. TANNER: You know that's your writing --

7 MR. WILLIAMS: Uh-huh.

8 MS. TANNER: -- that's in orange. Okay.

9 So in looking at Exhibit 53 and 54, do these look
10 like the handwritten statements that we've been talking
11 about that police would work with you on creating?

12 MR. WILLIAMS: Yes.

13 MS. TANNER: They do?

14 MR. WILLIAMS: Uh-huh.

15 MS. TANNER: Okay.

16 MR. WILLIAMS: Yeah. Because there's some changes
17 in them. There's some difference in -- in the statements.

18 MS. TANNER: Explain to me what you mean by that.

19 MR. WILLIAMS: Well, for one, I never referred to
20 Mattie Mae as my wife, period. I never referred to her as
21 that. They use the term "wife" because we lived together so
22 long, they considered it was common law marriage. And I
23 don't believe in that mess.

24 MS. TANNER: Okay.

25 MR. WILLIAMS: It's just some of the things are

1 not as it was.

2 MS. TANNER: When you say "some of the things are
3 not as it was," I just want to make sure I'm clarifying on
4 that. Is it that some of the facts in there are simply not
5 accurate?

6 MR. WILLIAMS: Fact. Facts in here.

7 MS. TANNER: Okay.

8 MR. WILLIAMS: Especially here. Because I don't
9 know who wrote this.

10 MS. TANNER: And that's in Exhibit 53?

11 MR. WILLIAMS: Yeah. About --

12 MS. TANNER: What is the statement that you're
13 saying "especially here"?

14 MR. WILLIAMS: About her being pregnant.

15 MS. TANNER: Okay.

16 MR. WILLIAMS: Potato salad and stuff. No.

17 MS. TANNER: Okay. So that -- we talked about
18 that yesterday, right --

19 MR. WILLIAMS: Yeah. No.

20 MS. TANNER: -- like you don't recall telling
21 police that?

22 MR. WILLIAMS: Yeah.

23 MS. TANNER: Okay. Okay. I'm going to take these
24 back. I'm sorry.

25 And your recollection is that you did how many

1 written statements in --

2 MR. WILLIAMS: Four.

3 MS. TANNER: -- in Arthur Wilson? Four. Okay.

4 Okay. I'm going to give you those so I don't lose
5 them.

6 Okay. So the last couple of little bit of things
7 I wanted to ask you about is, I know we talked yesterday
8 about Big Titty Barb and Patricia Williams and that you had
9 identified those two individuals to the police.

10 MR. WILLIAMS: Uh-huh.

11 MS. TANNER: And we talked a little bit about what
12 some of the people at the drink house said. So my question
13 to you is -- you know, quite a few people at the drink house
14 ended up coming forward in 1986 about various facts related
15 to the Arthur Wilson case --

16 MR. WILLIAMS: Uh-huh.

17 MS. TANNER: -- right? So some would say that
18 Sammy and Darryl and you were there; some would say Sammy
19 had a stick; some would say -- you know, we talked about
20 Patricia and Barb and how they, you know, went out with the
21 police, and maybe witnessed this crime. But what is your
22 explanation of why these individuals from the drink house in
23 1986 would come forward with facts that supported the story
24 that you were telling?

25 MR. WILLIAMS: They knew about -- they knew about

1 my story.

2 MS. TANNER: How?

3 MR. WILLIAMS: Because the police took the men --
4 and the same way Mattie Mae got to know about my story was
5 that people talked to her. I talked to her. They allowed
6 me to talk to her and fill her in.

7 MS. TANNER: Who?

8 MR. WILLIAMS: The police when they took us in the
9 room.

10 MS. TANNER: Who did you talk to?

11 MR. WILLIAMS: Mattie Mae.

12 MS. TANNER: Mattie Mae.

13 MR. WILLIAMS: Had her in the room. You have to
14 remember, they had to have been told what to say, because if
15 you came out of Ezelle house, drink house, there was a
16 95 percent chance you would never get to see what they say
17 they seen. On that side of the road, there were two large
18 truck always parked, 24/7. And they'd have to go clear
19 across the other side of the road to where the new drink
20 house was to look down the street. And if they came out the
21 house together, that'd be impossible. 'Cause the only way
22 out the house together is to come through the front door,
23 not the back door.

24 MS. TANNER: Okay. So who owned the two large
25 trucks sitting in front of Ezelle's all the time?

1 MR. WILLIAMS: I don't know. When you come out --
2 if you come here there's -- if you come out the front door
3 and come down the steps, there was like a vacant lot here
4 and then it started houses. But from the end of his
5 driveway here going that way, there were trucks and cars
6 parked on both sides of the road all the time, 24/7.

7 MS. TANNER: Okay. Do you know whether or not
8 there were cars and trucks parked there on September 17,
9 1983?

10 MR. WILLIAMS: No. They always stays there.

11 MS. TANNER: Okay. Were they like working
12 vehicles, like you could get in the car and crank them and
13 move them?

14 MR. WILLIAMS: Yeah, you could. But these people,
15 they work to probably about 7 o'clock when the liquor house
16 was starting to getting filled --

17 MS. TANNER: Uh-huh.

18 MR. WILLIAMS: -- they would all be park there.
19 Those were the people that lived there. Some lived and they
20 just park their vehicles on -- on that side of the street
21 and on the other side.

22 MS. TANNER: Okay.

23 MR. WILLIAMS: It was very seldom any vacant
24 spots.

25 MS. TANNER: Okay. Why couldn't you go out the

1 back of Ezelle's?

2 MR. WILLIAMS: You could. But if you did, you
3 wouldn't come back on the side of his house. You had to go
4 all the way around to behind that church.

5 MS. TANNER: Could you walk up through the grass?

6 MR. WILLIAMS: You could, but 90 percent of the
7 people never walked that way. There was no light at all on
8 that side of the house. And it was what you call junky. So
9 most people just walked -- go out the back door. And there
10 was a yard, one tree, and you walk past the tree and take a
11 -- from the house, now you take a left and that will bring
12 you back to -- I guess you call that 17th Street or 18th
13 Street.

14 MS. TANNER: Okay.

15 MR. WILLIAMS: Right down from it. That's the
16 only way you could get there.

17 MS. TANNER: Okay. Other than the meeting with
18 Mattie Mae where y'all sat in a room and talked, was there
19 ever a time when you talked with any of the other
20 individuals at the drink house after you were arrested for
21 Mary Smith related to getting a story together or straight
22 or providing details?

23 MR. WILLIAMS: No. I didn't never know they had
24 made -- they did all these statements until after they had
25 took them downtown and they said they talked to them. And

1 that's when the detective told me, said, They collaborated
2 your story. And it was strange because they know it's been
3 -- it was a make-up story; it was not -- never true.

4 MS. TANNER: Okay.

5 MR. WILLIAMS: You know they couldn't see nothing
6 like that.

7 MS. TANNER: Okay. Okay. Okay. So one of the
8 last things we ask in a case is -- and, you know, we can
9 obviously come back and see you if we have to, but, you
10 know, this is kind of our opportunity before we get to a
11 Commission hearing to talk to you about anything that might
12 be important in this Arthur Wilson case. We're going to
13 talk about Blanche Bryson separately.

14 So we have talked for a long time about Arthur
15 Wilson. But is there anything that I have not asked you or
16 any fact that we have not talked about that you think might
17 be important to our understanding in this case?

18 MR. WILLIAMS: Place -- you placed Mattie Mae on
19 the scene of the crime. She said -- she said that she was
20 6 feet away from the crime. In her statements, the ax
21 handle never appeared.

22 MS. TANNER: In Mattie Mae's statements?

23 MR. WILLIAMS: It never appeared in her
24 statements.

25 MS. TANNER: When did you learn that it never

1 appeared in her statements?

2 MR. WILLIAMS: When Ms. Phoebe, did -- she have
3 the same -- she had the whole collaborate of the whole thing
4 and she asked me the same thing. She said, You know, Mattie
5 Mae never mentioned your ax handle. She said, She didn't
6 even see one.

7 And I told Phoebe, I said, I know she didn't
8 because there wasn't one. There was no such thing. But
9 that was all I could say. Nobody never went back and
10 questioned her. Nobody did.

11 MS. TANNER: Anything else?

12 MR. WILLIAMS: Just the wild stuff that -- the
13 crazy statements I made that screwed the whole thing up by
14 making them. And that's the hard part, understanding why I
15 did it. That's the only thing I can think of.

16 MS. TANNER: Okay. Anything else for you in
17 Wilson? Okay. We are going to take a break, turn the
18 recorders off and then start again, okay?

19 MR. WILLIAMS: Uh-huh.

20 (End of the recording.)

21

22

23

24

25

CERTIFICATION OF TRANSCRIPT

This is to certify that the 22 pages of this transcript of the recorded interview of Merritt Williams Drayton, Vol. II, was taken on April 11, 2019, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This the 20th day of April 2019.

A handwritten signature in blue ink that reads "Donna Rowe". The signature is cursive and fluid, with the first name and last name clearly distinguishable.

DONNA ROWE

WINSTON-SALEM, N. C.

IR358533-098

EXHIBIT
52
FENGLAD 800-631-6868

POLICE DEPARTMENT

030184

Supplement Report

3. COMPLAINANT / VICTIM WILSON, ARTHUR		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks	
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83			
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 1	
ITEM NO. 27	27 On 04-09-86 the writer, Det. R. N. Weavil, and Det. R. A. Spillman, Det. T. H. Hicks went to the Forsyth County Jail to talk with Merritt Drayton in reference to some information that he had on a homicide. Mr. Drayton had contacted personnel at the jail, who had in turn contacted Det. Spillman about this information. while at the jail, Mr. Drayton advised the writer that he had witnessed a homicide which had occurred 09-17-83 on Claremont Avenue. He stated that Sammy Mitchell and Darryl Hunt had beat Art Wilson with a stick. Mr. Drayton stated that he was a witness to the actual assault.				
	The writer was not familiar with this particular homicide and returned to the Public Safety Center, where the report was found. The information given by Mr. Drayton was consistent with the information in the police report.				
	On 04-11-86 at 1310 hours the writer and Det. T. H. Hicks went to the Forsyth County Jail and picked up Merritt Drayton. Mr. Drayton was to be transported to the location where the incident occurred in an attempt for him to point out the actual spot of the incident. While enroute, Mr. Drayton made the statement, "What are they going to do to me when they find out I was involved in this?" At this time Mr. Drayton was transported to the Public Safety Center, where he was advised of his Miranda Rights, which he waived. Mr. Drayton gave the writer and Det. Hicks a statement in which he advised that he was with his common-law wife, Mattie Mae Davis, at the drink house on Claremont Avenue on 09-17-83. He stated that there were several other people in the drink house. Some of the people that he knew for sure that were there were Sammy Mitchell, Darryl Hunt, Ezelle, and Arthur Wilson. Mr. Drayton stated it was around 9:00 or 9:30 at night when he got to				
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO	
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING CODE NO. M. J. Hicks 830-2060		32. REVIEWER L. J. Hicks 830-2060	
		34. DATE OF THIS REPORT 0000986/bb			

WINSTON-SALEM, N. C.

IR358533-099

POLICE DEPARTMENT

030185

Supplement Report

COMPLAINANT / VICTIM WILSON, ARTHUR		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 2		
ITEM NO. 27	27 the drink house. Mr. Drayton stated that Arthur Wilson was buying drinks for all the ladies in the drink house. He stated that Sammy Mitchell got upset and had words with Arthur Wilson, because Mr. Wilson refused to buy him a drink.					
Mr. Drayton stated to the writer that Darryl Hunt asked him to go to the back room, which is near a bathroom, at which time he talked to Sammy Mitchell and Darryl Hunt about Arthur Wilson. At this time it was brought up that Mr. Wilson had a lot of money on him and they could have a good party. Mr. Drayton stated he left the drink house to buy some wine. On returning to the drink house, he again was called to a back room, where he talked with Sammy Mitchell and Darryl Hunt again about Arthur Wilson. At this time Sammy Mitchell asked him to take Mr. Wilson from the drink house down to Redd's Drink House, which is south of that location on Claremont Avenue.						
Mr. Drayton advised the writer that he, along with his wife and Arthur Wilson went out the back door of the drink house and started towards Claremont Avenue. He stated while walking south on Claremont Avenue Mattie Mae Davis hesitated and at that time Sammy Mitchell and Darryl Hunt came up on him and Arthur Wilson. At this time Sammy Mitchell clotheslined Art. Art fell to the ground and Sammy started striking Art in the back of the head with an ax handle. He stated Darryl started kicking him in the head and body with his boots. Mr. Drayton stated that they leaned Mr. Wilson up off the ground, at which time Sammy Mitchell told him to get the money from his pocket. Mr. Drayton stated he reached into his pocket and removed the money from the victim's right front pocket. Mr. Drayton also advised the writer that the licks started sounding mushy, referring						
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO		
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING [Signature] 830-2000		32. REVIEWER [Signature] 830-2000		34. DATE OF THIS REPORT 000000 6/bb NCIC WSPD

WINSTON-SALEM, N. C.

IR358533-100

POLICE DEPARTMENT

030186

Supplement Report

1. COMPLAINANT / VICTIM WILSON, ARTHUR		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83				
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 3		
ITEM NO.	27	to the stick hitting the victim.				
Mr. Drayton advised the writer that he gave the money to Sammy Mitchell.						
See attached statement of Merritt Drayton taken 04-11-86, at 1430 hours.						
Mr. Drayton was transported by the writer, Sgt. McCoy and Det. Hicks to the 1700 block of Claremont Avenue. Drayton pointed out the area where the assault occurred.						
This was consistent with the report filed on 09-17-83.						
Mattie Davis was found in the 1800 block of Claremont Avenue. She was transported along with Mr. Drayton to 345 E. 9th Street. Mr. Drayton had already signed a Consent Search for the residence, at which time the writer and Det. Hicks and Sgt. McCoy retrieved an ax handle with black tape wrapped around it. Mr. Drayton advised that this was the stick used in the assault of Arthur Wilson. Sgt. McCoy took polaroid pictures of the weapon.						
Merritt Drayton and Mattie Mae Davis were not left alone during the time they were transported together and they were not allowed to talk about the incident.						
Mattie Mae Davis and Mr. Drayton were transported back to the Public Safety Center at which time Mr. Drayton was given a polygraph examination. Ms. Davis was interviewed by the writer and Det. Hicks.						
Mattie Mae Davis was interviewed at 1747 hours on 04-11-86. She advised the						
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO		
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING CODE NO. M.V. McCoy 830-2060		32. REVIEWER CODE NO. 800777		34. DATE OF THIS REPORT 00010086/bb

28-4200-220-1

NCIC - WSPD

POLICE DEPARTMENT

Supplement Report

COMPLAINANT / VICTIM WILSON, ARTHUR		030187		5. OFFENSE OR INCIDENT Homicide		2. ROUTING COPIES 830 Hicks		1. COMPLAINT NO. 358533
4. COMPLAINANT'S ADDRESS 3054 N. Patterson Avenue		6. DATE OF ORIGINAL INCIDENT 09-17-83		8. MULTIPLE CLEAR-UP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		9. PAGE NO. 4		
7. VALUE AND TYPE OF PROPERTY STOLEN OR RECOVERED								
ITEM NO. 27	<p>writer and Det. Hicks that she was at Ezelle's drink house on the night of the assault on Arthur Wilson. She stated that she remembered Sammy Mitchell trying to pick a fight with the victim. She stated that she did not remember the victim saying anything back to Mr. Mitchell. She advised later in the night that Merritt and herself were leaving the drink house on Claremont Avenue, at which time she observed Mr. Wilson on Claremont Avenue. She stated that Sammy Mitchell and Darryl Hunt came up to Mr. Wilson and that Sammy Mitchell pushed the man and he fell to the ground. She stated at this time that she could not see what Darryl was doing and that she turned and went back to the drink house.</p> <p>After the completion of the polygraph examination of Merritt Drayton, Mr. Drayton gave another written statement, taken on 04-11-86 at 1752 hours at the Public Safety Center. Mr. Drayton's second written statement was consistent with the first except Mr. Drayton admitted being involved in the assault of the victim and stated that after Sammy Mitchell had hit him with a stick and he had passed Mr. Mitchell the money, Sammy Mitchell gave Mr. Drayton the stick, at which time he hit the victim no more than three times on the back, with the ax handle.</p> <p>On 04-14-86 the writer, Det. Spillman and Det. Hicks placed a body mike on Mattie Mae Davis in an effort to record a conversation between her and Sammy Mitchell about the homicide of Arthur Wilson. Ms. Davis was taken to several locations in an effort to find Sammy Mitchell with negative results. At approximately 1532 hours Mr. Mitchell was located outside of his residence at 760 N. Patterson Avenue, at which time Ms. Davis made contact with him. She advised Mr. Mitchell that she needed to see him at her residence at 1630 hours. Mr. Mitchell stated that</p>							
28. REPORTING OFFICER T. H. Hicks 830-2117		30. STATUS: (CHECK ONE) <input type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED <input type="checkbox"/> INACTIVE <input type="checkbox"/> SERVICES RENDERED		33. REFERRED TO				
29. SECOND OFFICER R. N. Weavil 810-6022		31. SUPERVISOR APPROVING CODE NO. M. J. McCall 830-2060		32. REVIEWER L. J. [Signature] 830-747		34. DATE OF THIS REPORT 000109/bb		



Merritt Drayton
4-11-86 1430
Public Safety Center
TH Hicks RN Weavil

120

I don't remember the exact day but it was
sometime between September 15, 1983 and September
17, 1983. My wife was pregnant. She ate potato salad
at her mother's house, 1714 N. Liberty St. It made her
real sick and she started passing blood. That's how I
remember the date. About 9 or 9:30 that night my wife
myself and Alice Byrd went over to Ezelle's drink house.
It is at Claremont Ave. 2 houses from 19th St.

If you leave from 19th St it is on the right side. The
house has been torn down now. We went in the
back door of the house. There is a ^{Long} bar on the right
side. Ezelle was serving drinks. Sammy Mitchell was
standing on the right hand side as you walk in the door.
His partner Darryl Hart was standing in front of him on the
right hand side. After I got all the way in I ordered

a small Vodka a beer and 1/2 pint of wine. Me and
my wife went in the front room and sat down. Later Art
came in to the bar. He ordered drinks for the girls
in the house. I went back to the bar, Art came back to
the bar. Sammy & Darryl were still at the bar talking.

Sammy said "Mother Fucker you can buy everybody else
something to drink why you can't buy me and my partner
something. Art didn't say too much to Sammy. Me, Sammy,
Darryl, Art, my wife went back to the front room to
play cards. They started arguing about the card game.

After the game broke up Sammy and Darryl went

Merritt Drayton
4-11-86 1430
Public Safety Center
TH Hicks RN Weavil

002980

Merritt Drayton
4-11-86 1430
Public Safety Center
Tt Hicks RNWearll

123

to the back room and called me back there. They said
dam all that money he's got we could have a party with.
They were talking about Art. We went back in the front room.
I went to 19th St Grocery for wine for Ezelle. When I
got back Sammy and Darryl called me back to the back
room. Sammy asked me to get Art to go with me to
the red Masley to get some wine. I stayed in the front
room 15 to 20 minutes then asked Art if he wanted to
walk with me. Me, Art, my wife went out back door
we got to the driveway she started hesitating like she
didn't want to go. Sammy and Darryl came out
behind us. Me, Sammy, Darryl, and Art started walking
up Claremont toward 17th St. We got a little past
Willard Grocery Store on Claremont. Sammy took his arm
and clotheslined Art. Art fell to the ground. Sammy start
striking Art in the back and the back of the head with
an ax handle. Darryl started kicking him in the head and
on the body with his boots. They beat him for what
seemed like ten minutes. Sammy told me Mother Fucker
get the money. I reached in his right front pocket and
pulled out the money in that pocket. Sammy and Darryl were
still beating him. They leaned him up. The licks started
sounding mushy like. Sammy reached in his back pocket
to get his wallet. I gave Sammy the money. I don't
know if Sammy got his wallet or not. About that time
a car came from 19th St area and one from 15th St
area. I don't know which car the people

002981 M.W.D.
NCHC-WSPD

Merritt Drayton

4-11-86 1430

Public Safety Center

TH Hicks RN Weavil

but they got out and started chasing us. All three of us ran toward 17th St. We went down 17th St back toward Cleveland Ave. We went thru the Pathway on 18th St. We went back in the back door of Ezelle's house. Before we got in the house Sammy gave me a 20 and a 5 dollar bill. This was real late. I don't think the police ever saw us.

I think all this happened between 130 or quarter to two. When we were running down 17th St. Darryl went a clear spot. When I saw him the next day he said he went to Sammys house because he was scared.

My brother in law Thomas Thompson, Jr. and Sammy were close friends. Thomas had the ax handle. When my mother in law moved from Claremont. We packed up the ax handle. The ax handle in my house, 345 E 9th St. MWD

Merritt Willeson Drayton

4-11-86 1500

TH Hicks 4-11-86 - 1500

L.N. about 4-11-86



Meritt Drayton
4-11-86 1752
Public Safety Center

In Sept. of 1983 I Meritt Drayton was with
Matter May Davis, and Alice Byrd. We went to
Egler's drink house on Clement Ave. We all went
in the drink house. Egell was behind the bar. Sammy
Mitchell was standing on the right hand side of the
door when we walked in. Darrell Hunt was standing
in front of ^{Sammy} ~~Barrell~~ ^{in the} talking to him. I got me a small
vodka a beer and some wine. I went in the front
room where they were playing cards. That is when
Art (Arthur Wilson) came in. This was around
quarter till 10 at night. Art came in and ordered
a round of beer for all the ladies. He gave everybody
their drinks. Then he came back toward the bar and
that is when Sammy Mitchell said "You can buy drinks
for all them other motherfuckers why can't you buy
drinks for me and my partner?" Art said something
to Sammy but I can't remember what was said.

Then we all went in the front room and started
playing cards. The game got out of hand and
Egell said to stop the game. Sammy and Darrell
went into a little bathroom area and called me and
I went in there. Sammy said all that money Art
got man we could have a party. Then I went
out. Egell ask me to go to the 19th. grocery
and pick up a gallon of wine for the house.
When I got back with the wine Darrell Hunt called

Meritt Drayton NCIC WSPD

R.N. Cleland 4-11-86
11-86

me into the bathroom area again. Sammy Mitchell ask me when I got ready to go to take Art down to Red Masley's house. I went back in and stayed for 10 to 20 minutes before I ask him to go. Art, Mattie May and myself went out the back door together. When we got to the driveway Mattie May hesitated. Art and I kept walking and Darrell Hunt and Sammy Mitchell came out the door behind us. We got about 25 feet away from the driveway on Clarendon going toward 17th St. As we were going Sammy said we are going down here to get a drink. We got past M.W. Edwards store just past 18th St. Sammy chokedlined Art with his arm. Art fell down. Sammy pulled out an ax handle. He started hitting Art in the back, back of the head, and neck with the ax handle. Darrell started kicking him in the head and in the body. Sammy yelled at me to get the money. I reached in his right pocket and pulled out the money. They ^{then} ^{stood} ^{up} and Sammy gave me the stick and he got the money from me. Sammy went in his left rear pocket for his wallet. I hit Art with the stick in the back no more than 3 times. That's when car lights started coming up from 18th St. and from 19th on Clarendon. Some people started yelling at us to stop and got out of the car. We started running toward 17th St. Sammy and I cut down 17th St.

002978 NCIC WSPD

and I don't know what happened to Sam. We were going toward Cleveland and we went through a yard back to 18 St. We went back to Epler's house. Before I went in he gave me \$25.00. A 20 and a 5. That's when I found out it was \$110.00. We went in the house. We stayed for a little while and then Sammy left. Then Sammy came back and me and him went up on Liberty St. to get some wine. We drank the wine then I went home.

The fight in the street with Art was around 130 or quarter till 2. I know it was past midnight.

Merritt Drayton

R. N. Weanil 4-11-86 1834

Art Hicks 4-11-86 1834

Handout 39

RECEIVED APR 24 1986

FERGUSON, STEIN, WATT, WALLAS & ADKINS, P.A.

ATTORNEYS AT LAW

SUITE 730 EAST INDEPENDENCE PLAZA
951 SOUTH INDEPENDENCE BOULEVARD
CHARLOTTE, NORTH CAROLINA 28202
TELEPHONE (704) 375-8461

209 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514
TELEPHONE (919) 933-5300

IN CHAPEL HILL
ADAM STEIN
THOMAS M. STERN

April 21, 1986

JAMES S. FERGUSON, II
ADAM STEIN
MELVIN L. WATT
JONATHAN WALLAS
KARL ADKINS
YVONNE MIMS EVANS
JOHN W. GRESHAM
LESLIE J. WINNER
JOHN T. NOCKLEBY
GERALDINE SUMTER
FRANKE E. EMORY, JR.
THOMAS M. STERN

Mr. Gordon W. Jenkins
Jenkins, Lucas, Babb & Jenkins
350 NCNB Building
Winston-Salem, North Carolina 27101

Mr. S. Mark Rabil
Bowden and Rabil
3000 Bethesda Place
Suite 701
Winston-Salem, North Carolina 27103

Re: Darryl Hunt

Dear Gordon & Mark:

Adam asked me to dictate the notes which I took when he and I met with Darryl Hunt at the Southern Correctional Facility in Troy on April 18, 1986. I have enclosed a memo for your attention. I have put question marks after words which I had to spell phonetically and left blanks when Darryl was unable to recall specific facts or names. If you have any questions about any of the information, please give me a call. I expect Adam will be back in the office on Tuesday.

Sincerely,



Thomas M. Stern

TMS:sll

Enclosure

MEMORANDUM

TO: Darryl Hunt File

FROM: Tom

DATE: April 21, 1986

RE: Interview with Darryl at Troy, North Carolina Prison
April 18, 1986

DARRYL'S QUESTIONING BY WINSTON-SALEM OFFICERS

Adam and I arrived at the prison at approximately 11:45 am. We noted in the sign-in book that officers McKoy, Spellman and Hicks had arrived at 11:00 am. With very little delay, Superintendent Bumgardner ushered us into the interrogation room where officers Hicks and Spellman were questioning Hunt. After a short speech by Spellman about the virtue of "coming clean," etc., Adam and I had an opportunity to talk with Darryl by himself. Darryl told us that when the officers first started questioning him, he requested to have a lawyer present. He said that he signed something stating that he would not answer any questions until his lawyer was present. Notwithstanding Darryl's wishes, Spellman and Hicks stayed in the room and Spellman stated that Darryl was letting Sammy "take you down again." Hicks chimed in with a, "its in your best interest to tell us the truth" line. Spellman then assured Darryl that this was not like the "other" case--it was a new ballgame. The officers then re-read the rights waiver to him. Darryl repeated that he wanted to wait for his lawyers before he talked to the officers. This process was repeated five or six times until we arrived. Darryl was sure he did not make any statements about the incident in question. The only thing of substance he said was in response to Hicks who was insinuating that he had lied at the last trial. Darryl quipped that he told the truth last time and would tell the truth this time, but he wanted to wait for his lawyers before he said anything to the officers.

THE INCIDENT

Darryl has a pretty good recollection of where he was during the week-end in question since he learned about the homicide the Saturday morning immediately after it happened. The Friday night before the homicide [we told Darryl that it was reported to have occurred between 3 and 4 am, Saturday morning] Darryl was house-sitting for Lawrence Myers who was serving his first of two weekends in jail for a DUI conviction. Lawrence runs a liquor house at his place, and Darryl was supposed to collect the money to replace liquor that was used.

Also staying at the house was Alfonzo _____, who performs autopsies at Bowman Gray Hospital, and Lawrence's girlfriend's son, an 18-year old whose name Darryl can't remember.

On Friday night, Darryl went to Ezzell's (?) liquor house at Claremont and 19th Street with Roland Bernard Blackwell. They arrived at the liquor house at approximately 10:15. They only stayed for one drink. Darryl spent the time talking to Bernard. Sammy Mitchell was there talking with Mary Johnson on the back porch.

Darryl and Bernard left the liquor house at approximately 11 pm. Bernard was going to drive Darryl back to Lawrence's house. Sammy Mitchell and Mary Johnson left at the same time. They were headed to Rosemary _____'s house, one of Sammy's ex-girlfriends and the mother of some of his kids. Darryl remembers that he thought it was funny that Sammy would be taking Mary to his ex-girlfriend's house.

Bernard dropped Darryl off at Lawrence's house at 11:15 pm. Bernard drove off and didn't see Darryl until the next morning when he and Sammy came over to Lawrence's house at approximately 10 am.

Darryl went into Lawrence's house and had a conversation with Alfonzo about the proceeds from that night's liquor business. Alfonzo gave Darryl the money he had collected. Darryl was supposed to either give Lawrence the money or replace the liquor that was used--he did neither and simply kept the money. Darryl then went to bed.

The son of Lawrence's girlfriend came in after Darryl went to sleep. Darryl did not see him until Saturday morning, when he gave Darryl some money he had collected stating that he would have given it to Darryl the night before but Darryl was asleep.

At approximately 10 am, Saturday morning, Bernard and Sammy Mitchell came by Lawrence's house. Alfonzo let them in. Sammy said he had taken Mary Johnson to Rosemary's house and they had slept over there. He also said that he went over to Bernard's house and the two of them drove over that morning. [I believe that by this time news of the homicide had hit the grapevine and the three of them discussed it at Lawrence's house.]

Darryl recalls that a day or two after the homicide the nephew of the person who was killed pulled a gun on Sammy in another liquor house and accused Sammy of killing his uncle. Supposedly the nephew backed off and let it drop once Sammy explained where he had been that night.

Darryl recalls either Mark or Gordon stating that the district attorney had brought up this homicide sometime during the Sykes investigation or trial. Today's interrogation was the first time Darryl had ever been approached by a police officer about this homicide.

WITNESSES

1. Alfonso _____

He lives on Carrboro Road and is a friend of Lawrence Myers. He assists in autopsies which are performed at Bowman Gray Hospital.

2. Lawrence Myers

He lives on 5032 (?) Page Street off of Carrboro Road. His house is yellowish and is the last house before Page Street makes a big curve (near the intersection with Carrboro Road). Myers had once been accused of attempted rape by a female patron of his liquor house. Darryl was Lawrence's alibi witness at trial and Lawrence was acquitted. Lawrence works at Reynolds #9 plant.

3. Roland Bernard Blackwell

He lives at 1116 East 19th Street. He had tried once, unsuccessfully, to visit Darryl in Troy and was expected the next day.

4. _____

He was the son of Lawrence's girlfriend. We need to talk with Lawrence to find out his name.

5. Ezzel _____, Jr.

He is the son of the person who owns the liquor house at 19th and Claremont Street. He was at the liquor house when Darryl left at approximately 11 pm.

6. Mary Johnson

She is a friend of Sammy Mitchell's who saw Bernard and Darryl leave the liquor house at approximately 11 pm.

DARRYL'S PHYSICAL DESCRIPTION THE NIGHT OF THE INCIDENT

Darryl recalls that he wearing jeans because he always wears jeans. He knows he was wearing cowboy boots because they belonged to the son of Lawrence's girlfriend. He was clean shaven and had a hairstyle similar to his December, 1983 mugshot used in the Sykes investigation.

We instructed Darryl not to talk to anyone about this case, including police officers, prison inmates or prison officials. We told him that in the event he is questioned again by police officers, he should 1) request to leave the interrogation area and return to the general prison area; 2) state that he does not wish to make any statements; and 3) state that he wants to talk with his lawyer immediately.

Handout 40

9-15-87

Darryl Hunt

> Bernard Blashwell - alibi

Prison Witnesses

- ① Polk Youth Center 2 months
(7-85 to 8-22-85)
 - ② Blanche, NC
(Caswell Co.) (8-22-85 - 9-22-85)
 - ③ Troy, NC (9-22-85 to 7-9-87)
 - ④ Salisbury (7-9-87 to present)
-

- ① Polk
Knight - officer - talked a lot
- ② Blanche
> tried to put him on Benadryl
to help sleep - said he was
depressed
> no witnesses
- ③ Troy
> Youth Center's side (9-22-85 to 2-26-86)
6 months
> John ^WRape - unit manager -
saw ea. other day -
filled out reports
> Tullman - officer

Ramsey

Adult Side (Feb. 26 to 7-87)

talk to
him
everyday -
from W.S. - know
about case

- > Butch Jackson^(L) - asst. unit mgr.
- > Mr. Jackson^(W) - school
teacher - GED - ²⁻²⁵⁻⁸⁶ saw
him 6 months - ev. week
day -
> in class - 9-13 people at
a time

> Business Classes:

interesting > Peggy Hammond - (died &
got along w/ her)

> Officer Gentry - on the floor -
talked sometimes

> Business; Typing; World Religion;
History - Western Civilization;

Troy - Now: Antw. to Business - 2x/wh;
John: Mon & Wed. - 6-8pm; 10 people
in classes

Counselors

Schro. > Case Manager - Mike Sides - Schro.

Troy - Butch Jackson

767-1034

used contact 2 hrs at
a time

Regular Visitors: Barbara Varne;

Rhonda - she stopped coming;

Ms. Smith^{slightly} - works at NAACP - 1x/mo

usually comes
w/ing the
week - calls
ahead

Khadi Guggs - ea. other week at least;
Betty Jenkins - friend - 1x/mo -
2912 Claremont

000021

NCIC - Documents from Rabil

Tony: 2-40m ~~2-40m~~
Sats.

Kelly Gary - 1314 Free St, WS - met
her 3 weeks ago - met her
brother at Polk

Larry Little - 1x/mo or see - r
Glenda comes too

Mrs. Mitchell - w/ Ms. Smith

Robert Merrish - w/ Khali

Gail Bennett - friend - w/ Ms. Mitchell
or Khali - mostly writes

notes:
~~Sats~~ Sums.

2:30-

4:40

Constant
visits

- > writes to these people - 1x/wk
- > they write to him - sometimes
get letter every day

at
Tony
they kept
records
of all
calls

- > Phone Calls - at least ca. 21 days;
call Barbara, Betty, Mrs. Mitchell
SMR, Fergie

- > Asked to be transferred to Salesing -
more freedom of movement -
- > "close custody" - only 4 places
in State

- > Estimated Date of Parole: November 1996
- > if had good time, would have
been out in about '90
- > age 22
- > BD: 2-24-65

Reals - mostly history & Muslim
- 4 months
- favorite history: Black History

- > 40 books in cell - has loaned out 30 -
- > will make list
- > will bring books & "distributing" with him

> Plans -

- ① Get back in touch w/ Tahara & work w/ kids
(-> has had no response from Renee)
- ② w/ kids - w/ groups - talk to them - not dropping out -
- ③ work - ? - Dreams about prison w/ big house & 500 kids

> typical day: work in kitchen 10:30 - 1:30
play ball (\$1/day)
Real (7 days/week)
weights

go through classification
-> went from inmate to baker

- Good things in prison
-> Education

> Bad: being in here; harassment from officers
-> wrote him up for not having a mattress cover - which they did not issue him

221

9-26-87

Pre-Trial

> "go on 2nd degree or any lesser included offense"

- > Δ Mot. - Record Case of Jurors - lt.
- > Δ Mot. - Sequester State's witnesses - denied
- > Δ Mot. - Andinil. Voirdire - allowed to extent

> CLOTHES - Call Larry
= when take him to W-S?

> Renee Bostun - ask to see Tuhara

9-16 Aden

> Check Photos
- Call Jol Lush.

733 - 3226

Joe Hammett
F31 W. Morgan St.
Raleigh

Dept of Correc.

Handout 41

Mark -

Call Darryl at Nelson's 725-4504

He talked w. H. Ferguson -

James Ford left message at Laurie's office -
"If he's forced to come testify, he
will 'mess them up real bad'"

Mc Bee & Walser also left messages

"They do not want to get involved. Will
not be coming."

Dail

Handout 42

Alvin Williams

P.O. Box 310

Polkton N.C.

28135

March 8 04

Mr. Tom Keith, District Attorney

District Attorney Office

Winston Salem N.C. 27102

RE: Recant statements from 1986 Homicides
investigation, and convictions that were fabricated.

Mr. Keith

17 years has passed with some unanswered
question concerning Mr. Arthur Wilson Murder, and
one other murder that I was convicted of.

Both Murders were never committed by me, nor
any of the people that were mention in the
fabricated statement by me.

out of fear from a investigation into the Death
of Mary Smith.

One Homicide involve the acquittal of
Mr. Daryl Hunt who was falsely accuse by me in

②

fabricated statement,
the fabricated statement also accuse Mr. Sammy Mitchell
and myself. which we're now doing life for in
Homicide we did not commit.

during the 17 years I never came forward
because I was concerned about the D.A. office
not wanting to hear the truth, and how it would
affect the community.

I'm not asking that your office please put a
stop to this nightmare before two innocent
people die in prison for crimes they didn't
commit.

Both Homicides had unanswered questions. But
with my fabricated statement, the questions
were never address after the indictment and
trial no one cared to question many things that
did not add up in the convictions of both Homicides
with neither funds for Attorneys, are the knowledge
to do legal work. I never came forward
feeling that I would never have a chance to free
myself and others that were affected by my
statements.

But my Biggest fear is that you may refuse
to free us after 17 years.

early this year you publicly statement that
you would look into all cases where a person

(3)

Maybe innocent, this was after Mr. Hunt was freed.

This will be the first case that will test your public statement about helping the innocent.

for 17 years unanswered questions has kept mistrust alive in the community, leading to the lack of trust for the Police Dept. and the District Attorneys office. I must admit that those problems was caused by my statement and the fact that I lied caused two men to suffer greatly.

I don't have the knowledge of what I must file in Court, so I must reach for help from the following sources.

I will mail a packet to each organization containing a copy of this letter, and a copy of the AFFADVIT stating that I fabricated the statements of two Homicides and is responsible for my conviction and the conviction of a innocent man, and that Mr. Mitchell and myself have spent 17 years in prison for Homicides we did not commit, nor did we know who did them.

I have no other way to prove our innocent without seeking the help from these organizations the following organizations will be notified

000018

(4)

also I will ask for help in filing a
Motion for Appropriate Relief, seeking to have
all charges dropped by your office, except for
the charge of manslaughter against me.

Phoebe Zerwick/Winston-Salem Journal
Mr. Daryl Hunt and family
Mr. Sammy Mitchell and family
The Winston-Salem Chapter of N.A.A.C.P.

It is not my intention to cause more problems
between your office and the Black Community,
but I can not sit back any longer while I'm
wasting away in prison along with another man
who is innocent. Unless someone follow this
case I'm afraid that your office will sweep
this matter under the rug, leaving us with
no help...

Sincerely,
Herb Williams

Handout 43



City of Winston-Salem
North Carolina
27102

COUNCIL MEMBER
NORTHEAST WARD

August 9, 2004

Mr. Merritt Williams
P. O. Box 310
Polkton, NC 28135

Dear Mr. Williams:

I have received your letter and have turned it over to the proper authorities for review.
The information you provided will be thoroughly investigated.

Yours truly,

Vivian H. Burke

Dr. Vivian H. Burke
Mayor Pro Tempore
Council Member, Northeast Ward

pld

pc: Bryce A. Stuart, City Manager
Lee Garrity, Assistant City Manager
Patricia D. Norris, Police Chief

Post-It® Fax Note	7671	Date	8-25-04	# of pages	7
To	Victoria C.	From	Lee Garrity		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	727-7315	Fax #			

INTER

OFFICE

MEMO

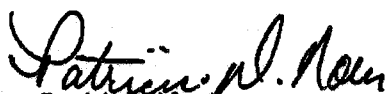
To: Lee Garrity, Assistant City Manager
From: Chief Patricia D. Norris, Police Department
Subject: Information on Merritt Drayton-Merritt Williams Investigations
Date: August 3, 2004

Provided below is a brief synopsis of the relevant facts and findings that led to Merritt Drayton-Merritt Williams's convictions in three homicide cases that occurred in Winston-Salem between 1983 and 1987. (Mr. Drayton now uses Williams as his surname.)

The Mary Smith homicide case, which occurred March 17, 1986, was assigned to Detective R. C. Spoon. Detective Spoon and Detective R. N. Weavil interviewed Merritt Drayton who was Smith's boyfriend at the time. Drayton confessed to pushing Ms. Smith down a flight of steps in a fit of anger. He was charged with Voluntary Manslaughter and on August 06, 1987, he pled guilty to Involuntary Manslaughter. Drayton was sentenced to ten years imprisonment.

While in custody for the Smith homicide, Mr. Drayton called detectives to the jail where he confessed to the March 17, 1983 murder of Arthur Wilson. In his confession he spoke of several facts that could only have been known by someone who participated in the murder. He then took detectives to his apartment where he produced an ax handle that he identified as the murder weapon. A forensic examination of the ax handle produced fibers that were found to be consistent with the victim's trousers. Mr. Drayton also furnished names of others who may have seen or known about the attack. Some of these people testified in trials against his co-defendants Sammy Mitchell and Darryl Hunt. Mr. Drayton was charged with First Degree Murder and on November 11, 1986 pled guilty to Second Degree Murder. He was sentenced to life imprisonment.

Again, while in custody for the Smith Homicide and now the Wilson Homicide, Mr. Drayton sent word to detectives via the jail staff that he wished to talk with them further. In the subsequent interview conducted by Detective T. A. Freeland, Drayton confessed to the murder of Blanch Bryson on December 10, 1985. Based on that confession, fiber analysis work was done at the SBI lab and revealed that wool fibers in a toboggan recovered at the crime scene were consistent in origin with wool fibers in a toboggan found in Drayton's apartment. Hair fibers found in the toboggan recovered at the crime scene were also found to be consistent with hair fibers plucked from Drayton's scalp. He was charged with Capital Murder and went to trial on July 27, 1987. Drayton was found guilty and sentenced to 99 years imprisonment. In a post conviction interview conducted by Detective T. H. Hicks on July 31, 1987 in the presence of attorneys Charles Redding and Kevin Mauney, Drayton again confessed to his involvement in the Bryson homicide.


Patricia D. Norris
Police Chief

/cj

5

My name is Merritt Williams # 0443495, I'm a inmate a
BROWN CREEK PRISON UNIT, serving a life sentence (CLASS A) for a
conviction in THE YEAR OF 1986 for MURDER.

My reason for writing is due to new positive information
that has been brought to my attention, that consive with the many
problems that has been brought to light within the WINSTON-
SALEM JUDICIAL DEPARTMENT. THE FLAWS in the system.

What I am about to mention, isn't about or relating to
minor errors, BUT OUT-RIGHT FLAWS. I WAS ALSO CONVICTED FOR
A MURDER THAT TOOK PLACE IN THE YEAR OF 1983, AND WAS ALSO
SENTENCE TO LIFE (CLASS C) IN THE YEAR OF 1986.

I'm NOT speaking on these issues, AND HIDING OR COVERING
UP my PRISON SENTENCES. MY PRISON RECORD is open to public,
scrutiny, I'm speaking on these issues strictly pertaining to both
Life sentencing being in fact QUESTIONABLE.

As I mention, the life sentence (CLASS A), positive information
HAS BEEN BROUGHT TO MY ATTENTION, THAT HAS REVEALED FLAWS in
my conviction, THAT WINSTON-SALEM JUDICIAL SYSTEM TAKES ABOUT,
HAS KNOWN ABOUT FOR YEARS AND SIMPLY REFUSE TO CORRECT.

THE FACTS OF THE 1986 conviction clearly shows I should
in fact BEEN FOUND NOT GUILTY. The Prosecutor never should of
tried me for this conviction, BUT most importantly, this case
should of been reopened, THE YEARS AFTER I was found guilty

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(6)

AND DISMISSED AGAINST ME. WHAT I'M STATING ARE ISSUES
RELATING TO GUESS WORKS OR SPECULATION, BUT FACTS.

I WAS CONVICTED OF A 1986 MURDER, TRIED FOR MY LIFE
AND FOUND GUILTY. THE JURY AGREED TO A LIFE SENTENCE, WHICH
I WAS SENTENCE TO A CLASS A LIFE SENTENCE. NO ONE ELSE WAS
TRIED OR CONVICTED FOR THIS CRIME. THE COURT'S RECORD WILL SHOW
THIS.

TWO YEARS AFTER I WAS TRIED AND CONVICTED SENT TO PRISON.
A YOUNG MAN WAS ARRESTED BY POLICE OFFICERS AND ADMITTED
TO COMMITTING THE SAME CRIME I WAS FOUND GUILTY OF. THIS
YOUNG MAN DIDN'T KNOW ME THEN, AND DIDN'T KNOW ME NOW
IN FACT HE NEVER KNEW OF ME. I NEVER KNEW OF HIM EITHER.
WE WERE NEVER CONSIDERED TO BE CRIME PARTNERS AND THIS IN-
FORMATION WAS A KNOWN FACT THAT WAS NEVER REVEALED. IT'S
STRANGE HOW TWO MEN, CAN BE SENTENCE TO THE EXACT SAME
CRIME, NEITHER KNOWING EACH OTHER, CAN'T POSSIBLY DO THE SAME
ACTS, BUT BOTH IN PRISON.

THE FACTS CLEARLY SHOWS HOW SINCE WHICH THE PROSECUTORS
KNOWS THAT I HAD NOTHING TO DO WITH WHAT I WAS SENT TO
PRISON FOR. ONCE AGAIN THE STATE - FEDERAL SYSTEM HAS
PLAYED A MAJOR ROLE IN COVERING-UP AND USING INTERNAL THICKS
TO SEAL AND KEEP PEOPLE IN PRISON WHO ARE IN FACT NOT GUILTY.

ANOTHER PERSON ADMITTED TO THE MURDER I WAS TRIED FOR MY
LIFE FOR TWO YEARS LATER, AND THE PROSECUTOR OFFICE HAS DONE NOTHING
TO REMOVE THAT CONVICTION OFF ME. IN FACT THE PROSECUTORS

(2)

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(7)

OFFICE HAS NEVER INTERVIEWED ME ANOTHER MAN ACTUALLY ADMITTED TO THE CRIME. I HAVE DONE 19 YEARS, THE OTHER GUY 17 YEARS AND NO ONE HAS SAID ANYTHING ABOUT THIS MAJOR FLAW. THEY HAVE ACTUALLY COVERED THIS UP. NOW THERE IS ALSO SOME QUESTIONS ABOUT MY OTHER MURDER CONVICTION.

ANOTHER MAN, WHO DON'T KNOW ME, HAVE NEVER KNOWN ME, ADMIT TO THE CRIME ON HIS OWN FREE WILL, HAS NEVER EVEN SEEN ME IN HIS LIFE AND NO ONE EVER TELLS ME.

I'M SEEKING SOME HELP, TO FIND OUT WHY PROSECUTORS HAS SAID NOTHING, WHY I HAVEN'T BEEN CLEARED OF THIS CRIME BUT MOST IMPORTANTLY WHY I WASN'T CLEARED OF THIS CRIME 17 YEARS AGO. AS I STATED THERE IS ANOTHER CONVICTION, STILL THE FACTS ARE HERE AS TO WHAT TOOK PLACE 17 TO 19 YEARS AGO WHEN I WAS FALSELY ACCUSED AND TRIED AND CONVICED, OF THIS CRIME. AS IT STANDS NOW, THIS CRIME IS THE ISSUE WHICH WAS PROVEN TO BE FALSE AGAINST ME YEARS AGO AND NOTHING HAS BEEN REVEALED UNTIL RECENTLY. THE PROSECUTORS HAVE KNOWN THIS INFORMATION WAS FALSE 17 YEARS AGO.

AS I STATED I NEED SOME HELP. I NEED SOMEONE TO ASSIST ME WITH THIS, A JUDGE, A JURY, A COUNCIL MEMBER, A JUDGE, A JURY, A PROSECUTOR OR A LAWYER. SOMEONE ADMITTED TO THIS EXACT SAME CRIME 17 YEARS AGO. SOMETHING IS EXTREMELY WRONG AND THERE IS FACTUAL INFORMATION THAT SHOWS A MAJOR FLAW IN THE WINSTON-SALEM JUDICIAL SYSTEM.

(3)

(8)

THIS CASE NEED TO BE REOPEN AND RE-INVESTIGATED AS SOON AS POSSIBLE; DUE TO THIS ILLEGAL CONVICTION I HAVE BEEN DENIED ALL PROGRESS THRU THE PRISON SYSTEM. MY ISSUES ISNT ANY DIFFERENT THAN WHAT TOOK PLACE WITH JARRYL HUNT.

Respectfully submitted, this 11 day of may, 2004

Al Smith Williams

SWORN TO AND SUBSCRIBED BEFORE ME THIS

11 day of may, 2004

Curdette Loretto
Notary Public

my commission expires june 12, 2008.

(4)

Handout 44

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

EZELLE CLOWERS (Deceased at the time of the NCIC Investigation)

Date of Statement	9/17/83	4/15/86	4/17/86	10/13/86, Mitchell Trial 2 Testimony
Who else was there?	The Victim drank coffee there. No one else is named.	When he got there around 12:30am, Sammy Mitchell, Darryl Hunt, "a bunch of other people" were there. He remembers Mattie Mae, Paul, Holiday (the Victim). He can't remember if Williams was there.	Paul, Pat, Elnora, Milton Peoples, Edith Lowery, Sammy, and Darryl	A "house full" including Paul Landingham, Edith Harris, Barbara Jean Bason, John Henry Clowers, and the Victim. He did not remember Williams there that night. On cross, he mentions Patricia and Mattie Mae.
See the Victim leave?	Yes; Left with "several" subjects behind him.	Yes; He was very drunk, refused cab, left out front door walking towards the church.	Yes (no elaboration)	Yes; he said "I'm going to walk down the hill by the church and have him some fun" then left out the front door.
See Sammy Mitchell with a stick?	No mention	After police show him the ax handle, he says he saw Mitchell with it that night.	Did not see anyone with a weapon.	Saw Mitchell with a stick before; believes it came from his (Clowers') yard and Sammy took it in the past and wrapped tape around the handle. On cross, he says that Mitchell did not have the stick that night and he is not sure the stick in the picture is the one from his yard.
See Mitchell and Hunt leave?	No mention	Left out the back door (after the Victim left) and "came running around the side" with a third person.	Yes (no elaboration)	Unclear; 5-6 people "ran around the house like they were playing" after the Victim left. ¹
See Williams leave?	No mention	No mention	No	No mention
See an argument between Mitchell and the Victim?	No mention	They "had words" over the Victim not buying Sammy a drink.	Not an argument, "just a couple of words."	The Victim bought a few drinks but refused to buy Mitchell anything.
See the crime?	No	No	No	No

¹ Clowers appears to have previously testified that he saw Sammy Mitchell run down the hill but in this testimony he stated "I don't know whether he ran down the hill or not."

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

MATTIE MAE DAVIS

Date of Statement	4/11/86, 3:45pm	4/11/86, 5:47pm	4/16/86	5/5/86, Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
Who else was there?	No mention	She was there with Williams.	Davis, the Victim, Paul L., Milton and Elnora Peoples, Williams, and a couple more people including Mitchell and Hunt; she did not see Ezelle or his wife.	She was there with Williams; Paul, Ezelle, Elnora, Milton, Mitchell, Hunt, Pat Williams; John and Ezelle Clowers were not there. She does not know Barbara Bason and is not sure if "Big Titty Barb" was there.	Williams, Barbara, John Clowers, Pat, Mitchell, Hunt
See the Victim leave?	No mention	No mention	Yes	Yes; out the back door.	No
See Sammy Mitchell with a stick?	No mention	No mention	No	No mention; she had seen the stick at the home where she and Williams lived, but did not see it that night.	Did not see Mitchell with anything. She had never seen the stick police collected before.
See Mitchell and Hunt leave?	No mention	No mention	Yes	On cross, she stated that Williams, Mitchell, and Hunt left 15-20 minutes before the Victim.	No; she left with Williams before they left.
See Williams leave?	No mention	She left with Williams.	Yes; she left with him.	On direct, she stated that Williams kept going outside, but she left with him.	She left with Williams.
See an argument between Mitchell and the Victim?	No mention	Mitchell tried to pick a fight, but the Victim did not respond.	Yes; Mitchell called the Victim names when he would not buy Mitchell a drink.	No mention	Heard Mitchell ask for the Victim to buy a drink and the Victim refuse, but characterized it as a "conversation."

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

MATTIE MAE DAVIS (CONTINUED)

Date of Statement	4/11/86, 3:45pm	4/11/86, 5:47pm	4/16/86	5/5/86, Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
See the crime?	After denying she saw it for an hour and a half, she said she saw Mitchell hit the Victim from 6-8 feet away. Hunt stood over the Victim. Williams did nothing.	Leaving with Williams, she saw Mitchell push the Victim down; Hunt was there but she did not see what he did.	Walking with Williams, she saw Mitchell push the Victim, who fell. Mitchell began kicking him. Williams was just standing there and Hunt was leaning over the victim. She saw this from 6-8 feet away.	She saw the Victim walking up the street and "Sammy came up and Sammy pushed him in his chest and then I seen Sammy was kicking the man" but did not see Williams or anyone else participate. On cross, she said she told this to police that night.	Yes; She and Williams walked past the Victim and saw Mitchell and Hunt "come from 18 th street way" (she is crossed on having previously testified they came from 17 th St.); Mitchell pushed and kicked the Victim. The victim was laying "right there where the steps." Sammy pushed then kicked the Victim. Hunt leaned over the Victim and Williams did nothing. She did not tell police that night.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

MATTIE MAE DAVIS (CONTINUED)

Date of Statement	1987 Hunt Trial 1 Testimony	3/28/19 NCIC Interview	4/15/19 NCIC Deposition
Who else was there?	Went with Williams; Barbara, Patricia Williams, Paul Landingham, Sammy Mitchell, Darryl Hunt, the Victim, and a lady named Sandra were there; not sure about Milton or Elnora Peoples.	Went with Williams; Paul Landingham was working the bar; she saw Mitchell and Darryl run up the Victim in the street.	House was full; went with Williams; saw Hunt and Mitchell. John Clowers, Jr., Barbara, Paul Landingham, Patricia, Mitchell, Hunt were all regulars.
See the Victim leave?	No	No mention.	No; the Victim was in the kitchen talking when she and Williams left.
See Sammy Mitchell with a stick?	No	No mention.	No
See Mitchell and Hunt leave?	No; she had already left with Williams and walked past the Victim on Claremont.	No mention.	No; she and Williams had already left.
See Williams leave?	She left with him.	She left with him.	She left with him.
See an argument between Mitchell and the Victim?	She heard Mitchell call the victim bad names, but she doesn't know what it was about. The Victim did not respond.	No mention.	No mention.
See the Crime?	Yes; she walked past 18 th St. with Williams and looked to the right to see Mitchell and Hunt heading away from Claremont. Mitchell Pushed the Victim from behind and kicked him twice after he fell. Darryl leaned over him. She told Williams to come back with her, but she left him with Mitchell and Hunt.	Yes; was at the park with Williams when they saw Mitchell and Hunt run up to the Victim; Williams went to them and talked.	From the bottom of the hill by the park, saw Mitchell and Hunt running. Williams went to talk to them. Then she saw the Victim coming from the drink house. Mitchell pushed the Victim down; Mitchell was kicking and beating him while Hunt stood over him; Mitchell and Williams went through his pockets and Mitchell took a gold watch.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

PAUL LANDINGHAM (Deceased at the time of the NCIC Investigation)

Date of Statement	4/15/86, 5:19pm	4/15/86, 5:57pm	1987 Hunt Trial 1 Testimony
Who else was there?	10-12 people; names Arthur Holiday (the Victim), Patricia LNU, Mattie Davis, Johnny Ray Canada, Sammy Mitchell, Darryl Hunt, Ezelle's wife "Red."	No mention	Ezelle, Elnora, Milton Peoples, Mattie Davis, Patricia Williams, Barbara Bason, Johnny Ray Canada, Hattie Ruth, Sammy Mitchell, Darryl Hunt
See the Victim leave?	Yes (does not elaborate)	Yes (does not elaborate)	Yes; "I could see out the back door and the front door...he walked out the door, down the steps, and turned to the right."
See Sammy Mitchell with a stick?	No mention	No mention	No mention
See Mitchell and Hunt leave?	Yes; 20-30 minutes before the Victim left.	Yes; they left out the back door 20-30 minutes before the Victim left.	Yes; out the back door a few minutes (less than half an hour) after the Victim left.
See Williams leave?	No mention	No mention	No mention
See an argument between Mitchell and the Victim?	No mention	Directly asked - he cannot remember.	The Victim said he would not buy Mitchell a drink, but he does not describe an argument.
See the crime?	No, but suggests it was just after dark, around 8:00 or 8:30.	No	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

PATRICIA WILLIAMS

Date of Statement	4/15/86	4/16/86, 8:58am	4/16/86, 6:38pm	5/5/86, Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
Who else was there?	Hattie Ruth, Joyce, Larry, James, Johnny Redd, Jerry Roan, Michael Eaton, Barbara Sinclair, "the man", Mitchell, Hunt	Jerry Roan, Michael Eaton, Hattie Ruth, "the man", Sammy Mitchell, Darryl Hunt, and Elnora	After "this woman" left, "there wasn't nobody there but me, Jerry, Michael - Paul was still in there." Later mentions following the Victim outside and Michael talking to Peggy in the street when she saw the attack.	Crowded: Jerry Roan, Paul L., Elnora, Barb, Mattie, Sammy Mitchell, Darryl Hunt; not sure about E. or J. Clowers; When asked if she saw Merritt Williams that day, she answers "No. I can't place him."	Went with Jerry Roan & Michael Eaton; house was full - John, Bob, Mattie Mae, Milton, Elnora, Paul, Hattie Ru were there; After being specifically asked, she adds Mitchell, Hunt, and the Victim.
See the Victim leave?	Yes; out the front door.	Unclear ("The man had done went out.")	Yes; she followed him out.	"He left out 'cause he was walking down Claremont."; "I believe he went out the front door and down the steps."	No mention
See Sammy Mitchell with a stick?	Yes; he hit the Victim with a stick (does not mention seeing it at the drink house).	Yes; he hit the Victim with a stick (does not mention seeing it at the drink house).	Yes; he hit the Victim with a stick (does not mention seeing it at the drink house).	Yes; he hit the Victim with a stick (does not mention seeing it at the drink house).	Not at the house, but she was in front of the house and saw Mitchell hit the Victim with a stick with Darryl Hunt and an unknown third party.
See Mitchell and Hunt leave?	Yes; out the front door just behind the Victim.	Unclear ("I seen them running, and the man was laying down there.")	No mention	No	No
See Williams leave?	Never mentions Williams.	Never mentions Williams.	Never mentions Williams.	Never mentions Williams.	Never mentions Williams being there.
See an argument between Mitchell and the Victim?	Paul stopped Hattie Ruth from jumping the Victim; Sammy said "I'll fix you" when Victim would not buy him a drink.	Paul stopped Hattie Ruth from jumping the Victim; Sammy said "I'll fix you" when Victim would not buy him a drink.	No mention	Sammy said "I'll fix you" when the Victim would not buy him a drink.	Sammy asked for a drink and the Victim said he "wasn't going to buy him a damn thing." Sammy mumbled "well that's all right, I'll catch you" as he walked away.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

PATRICIA WILLIAMS (CONTINUED)

Date of Statement	4/15/86	4/16/86, 8:58am	4/16/86, 6:38pm	5/5/86, Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
See the crime?	Yes; she, Mike, and Jerry were going down Claremont when she saw Mitchell, Hunt, and a third man jump on the Victim. Hunt kicked the Victim and Mitchell hit him with a stick in the face and back of the head. ² Patricia went back to Ezelle's house; two hours later, Sammy came back and threatened to cut her throat.	Yes; She was on the porch and "I got one glimpse, I seen them running, and the man was laying down there." Mitchell and Hunt attacked the Victim. Mitchell "hit him with a stick . . . something long, it was about the size of a baseball bat, but it was round, looked like a piece of limb or something." There was a third man. Jerry Roan, Michael Eaton, and Elnora Peoples were also outside. About two hours later, Mitchell came to Ezelle's and threatened to cut her throat.	Yes; all the women in the drink house were on the front porch. Williams saw the victim leave "and then that's when we went out on the front porch and the next thing I know, I looked down the street, and there was a stick, and somebody kicking, and I made them two out right good, cause they were right there in front of the light." She saw Mitchell hit the Victim with a stick and Hunt kick the Victim. She could not identify the third man.	Yes; she was on the porch with some other girls and went to the street to throw up, looked up, and saw the victim fall. Mitchell, Hunt, and a third man were around. Patricia testified that Hunt kicked the victim and Mitchell hit him with a stick. She could not see faces, but identified Mitchell by his backwards hat.	Yes; she was in front of the house and saw the Mitchell hit the Victim with a stick; he was with Hunt and a third party she could not identify. "Apparently" the Victim was hit more than once. She confirms her past statement about hits to the face and head, and kicks.

² Police interviewed Michael Eaton, Patricia Williams's boyfriend at the time, on 4/17/86. Police ask "while you were at the house, you weren't with Pat the whole time, is that correct?" and he responds, "as far as I thought, I know I was with her the whole time unless she, well, by me walking from room to room, it's possible she could've walked out the door, but I know we left the house together...As far as I can remember, we went down the street together to see the man's body." Eaton did not claim to have witnessed the crime.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

PATRICIA WILLIAMS (CONTINUED)

Date of Statement	1987 Hunt Trial 1 Testimony	4/22/19 NCIC Interview
Who else was there?	House was full: Mattie Mae Davis, Elnora Peoples, Milton Peoples, Barbara Bason, Paul Landingham, Arthur Wilson, Sammy Mitchell, Darryl Hunt	She thinks: Mattie Mae, Patricia's sister, Barb, Darryl Hunt, Sammy Mitchell; it was usually the same people there. Regarding Williams, she "never was in his company," but had seen him there a couple of times (does not specify this night)
See the Victim leave?	Saw him go towards the front door.	No mention
See Sammy Mitchell with a stick?	Didn't see him with anything in the house; saw him hit the Victim with a stick in the street.	Mitchell or Hunt had a stick during the attack.
See Mitchell and Hunt leave?	No	No; others told her they left after the Victim.
See Williams leave?	No mention of Williams	Does not think she saw him there that night.
See an argument between Mitchell and the Victim?	No, but the Victim told Sammy he wouldn't buy him a drink.	Yes, when the Victim would not buy Mitchell a drink.
See the Crime?	Yes; she was throwing up and saw Sammy hit the Victim with a stick and Darryl kicked him (can't say how many times). A third person was there. She ran in the house and screamed "they're killing that man."	Yes; she was throwing up and saw the Victim get attacked by Mitchell and Hunt (one of them had an ax handle) at the corner of 18 th and Claremont (they were not down the hill); Sammy hit the Victim and Darryl poked him with the stick "to see if he was still alive." She went in the house yelling that Sammy and Darryl killed the Victim.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

ELNORA PEOPLES/ARNORA HARRIS

Date of Statement	4/15/86	4/16/86	5/3/19 NCIIC Interview
Who else was there?	Names Tuck/Holiday (the Victim), Sammy Mitchell, Darryl Hunt, and Patricia.	The Victim, Darryl Hunt, Sammy Mitchell, Mattie Mae, Paul Landingham, Tricia (possibly Patricia), and Milton Peoples. When asked if Junior was there, she replied "Yes, Junior was in there 'cause he was no longer with Mattie Mae."	Usually the same people would come in, but does not specify this night.
See the Victim leave?	Yes; out front door.	Yes; out the front door after drinking coffee with Ezelle.	She recalled him leaving after seeing a report of a past interview.
See Sammy Mitchell with a stick?	No mention	No mention	No
See Mitchell and Hunt leave?	Yes; out the front door 15-20 minutes after the Victim.	Yes; out the front door immediately after the Victim.	Recalls seeing them leave after seeing the report of a past interview.
See Williams leave?	No mention	No mention	No mention; the name Merritt Williams Drayton and the nickname Junior did not sound familiar.
See an argument between Mitchell and the Victim?	The Victim would not buy a drink for Sammy or Darryl and Sammy said "you ain't got to buy me no drink, mother fucker."	They "had words" because Sammy asked for a drink and the Victim would not buy him one.	After seeing a report of her past interview, she recalled Mitchell getting mad that the Victim did not buy him a drink.
See the crime?	No	No	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

MILTON PEOPLES (Deceased at the time of the NCIC Investigation)

Date of Statement	4/15/86	5/5/86, Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
Who else was there?	Ezelle, Mattie Mae, Paul, Elnora, the Victim, Junior, Sammy, Darryl, the house was "jam-packed." First he cannot recall if Hunt was there, but later says Hunt was with Mitchell.	Saw the Victim, Mitchell, Hunt, and Williams there. The house was "packed like sardines."	Crowded: the Victim, Mitchell, Hunt, Bason; he believes Patricia is the one who hollered.
See the Victim leave?	No mention	Yes; out the front door about 30-45 minutes before a lady came in screaming.	Unclear
See Sammy Mitchell with a stick?	When asked if he saw Sammy with a weapon, "I seen Sammy with a stick, I believe. Some type of stick."	No mention.	Yes; when shown the stick at trial, he says he saw Mitchell with a stick that looks the same that night.
See Mitchell and Hunt leave?	Det. asks "After [the Victim] went out the front door, did you see anybody else leave inside of the house?" "I believe I saw Sammy and Darryl leave, you know. And I believe, you know, the back door."	Yes; They left together out the back door. (He does not say when.)	Unclear. They left sometime after the Victim. On cross admits he was "under the influence or whatever" that night and couldn't say whether "Darryl and Sammy come up beside the house" as he told police in April.
See Williams leave?	Never mentions Williams.	Cannot recall; he was not there when lady came in screaming, but he did not leave with Mitchell and Hunt.	No mention of Williams.
See an argument between Mitchell and the Victim?	No mention	The Victim "got in an argument with somebody that was in the house. I don't know exactly who it was or whatever it was..."	There "were words" after Mitchell asked the Victim to buy him a drink, but Peoples did not hear them and characterized it as a "discussion."
See the crime?	No; Mentions seeing two guys "come upside" while he was on the porch with Ezelle.	No	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

EDITH DAVIS (Deceased at the time of the NCIC Investigation)

Date of Statement	4/15/86	4/30/86
Who else was there?	Saw Victim early that day, but stayed home that night.	Not sure if she was there that night; Sammy and Darryl were there often, but not sure about that night.
See the Victim leave?	N/A	N/A
See Sammy Mitchell with a stick?	N/A	N/A
See Mitchell and Hunt leave?	N/A	N/A
See Williams leave?	N/A	N/A
See an argument between Mitchell and the Victim?	N/A	N/A
See the crime?	N/A	N/A

JERRY ROAN (Deceased at the time of the NCIC Investigation)

Date of Statement	4/16/86
Who else was there?	Came with Pat and Mike; remembers seeing Paul, Milton, Elnora, Mattie Mae, Sammy, and the Victim.
See the Victim leave?	Yes; handwritten notes say the Victim left out the back door, written report says Roan cannot recall which door.
See Sammy Mitchell with a stick?	No mention
See Mitchell and Hunt leave?	Sammy got put out by Ezelle for arguing. He went out the front door and left alone about five minutes after the Victim left and walked the same direction.
See Williams leave?	No. He never mentions Williams, but a report indicates he identified a picture of Williams as being at the house that night.
See an argument between Mitchell and the Victim?	Det. Hicks asked "Did Sammy get into an argument with the man?" and Roan replies, "No, it was a boy."
See the crime?	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

EDITH HARRIS (Deceased at the time of the NCIIC Investigation)

Date of Statement	4/16/86
Who else was there?	She remembers “a bunch of people” including Milton Peoples, Elnora, Harris, Sammy Mitchell, and Paul Landingham.
See the Victim leave?	No; she had gone to her mother’s across the street. At one point, Ezelle came over and asked for coffee and she saw a man walk down the street and one or two people run toward him.
See Sammy Mitchell with a stick?	No mention
See Mitchell and Hunt leave?	No
See Williams leave?	No
See an argument between Mitchell and the Victim?	No
See the crime?	No

MICHAEL EATON (Deceased at the time of the NCIIC Investigation)

Date of Statement	4/17/86
Who else was there?	He was there with girlfriend Pat (Patricia Williams); “As far as I can remember there was Paul Landingham, Mattie Mae, Junior (Williams), George Mo, Darrell Hunt, Sammy Mitchell, Milton Peoples and his old lady and a bunch of other people.”
See the Victim leave?	Yes; he thinks out front door.
See Sammy Mitchell with a stick?	Did not see anybody with a weapon that night, but has seen Sammy get in fights, “I see him draw sticks on each other.”
See Mitchell and Hunt leave?	No; not sure if they left.
See Williams leave?	No; not sure if he left.
See an argument between Mitchell and the Victim?	No mention
See the crime?	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

ROBERT L. JONES (GUITAR GABLE) (Deceased at the time of the NCIC Investigation)

Date of Statement	4/25/86
Who else was there?	He remembers seeing Mattie Mae, Paul Landingham, Peggy, Junior, Sammy Mitchell, Darryl, Ezelle's wife, and possibly Old Man Joe Richard. The house was full.
See the Victim leave?	No, but he (Jones) left before the incident.
See Sammy Mitchell with a stick?	Saw no weapons that night; but had seen Sammy with a round stick in the past. Shown the ax handle - not sure if it was the stick he had seen Sammy with or not.
See Mitchell and Hunt leave?	No, but he left before the incident.
See Williams leave?	No, but he left before the incident.
See an argument between Mitchell and the Victim?	No
See the crime?	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

BARBARA BASON (Deceased at the time of the NCIC Investigation)

Date of Statement	4/29/86	4/30/86	5/5/86 Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
Who else was there?	No mention. Does not say she was at the drink house.	Sammy Mitchell, Darryl Hunt, Junior, Larry Scales, Pat, Guitar Gable and his old lady Dot; a lot of others.	House was full; the Victim, Mitchell, Hunt, and "Junior" (Williams) were all there.	Elnora Peoples, Little Peoples, John, Patricia Williams; when asked, she adds that Mitchell, Hunt, Williams, and the Victim were there.
See the Victim leave?	No mention	Yes; out the front door.	Yes; out the front door.	Yes; she saw "the man" go out the front door.
See Sammy Mitchell with a stick?	No; he had an object that appeared to be a brick.	Yes; a stick with something black around the part in his hand.	Yes; a stick with black tape around it. She had seen him with it many times before.	Yes; Mitchell had a stick and Hunt had a "dagger" at the house. She later saw Mitchell hit "the man" with a stick.
See Mitchell and Hunt leave?	No mention	Yes; out the back door with Williams.	Yes; they left out the back door with Williams and headed the same direction as the Victim.	Yes; Sammy, Darryl, and Williams left out the back door sometime after the Victim left out the front door.
See Williams leave?	No mention of Williams	Yes; out the back door with Mitchell and Hunt.	Yes; out the back door with Mitchell and Hunt. They headed the same direction as the Victim.	Yes; out back door with Mitchell and Hunt "awhile" after the Victim left out the front.
See an argument between Mitchell and the Victim?	No mention	No, but she heard Mitchell say to Hunt and Williams, "we're going to get the man's money."	"I heard Darryl, Sammy and Junior tell him to get the man's money?"	After the Victim refused to buy Mitchell a drink, Bason said Mitchell, hunt, and Williams "got in a corner and I heard Mr. Mitchell talking to Sammy and Drayton and saying that was all right, that they would get him."

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

BARBARA BASON (CONTINUED)

Date of Statement	4/29/86	4/30/86	5/5/86 Probable Cause Hearing Testimony	10/13/86, Mitchell Trial 2 Testimony
See the crime?	Yes; she was in front of the store at 18th and Claremont and saw Mitchell hit the Victim in the head with something like a brick. The victim fell and Hunt kicked him. Mitchell and Hunt robbed the victim and ran.	Yes; she was walking down Claremont and saw Mitchell hit the victim with a stick; the victim fell and then Hunt and Williams started hitting and kicking him. Mitchell looked around to see if anyone was looking, then hit twice more. The three of them ran down Claremont towards 14 th St.	Yes; Mitchell had a stick with black tape around it and Hunt had a knife. Bason left the drink house right after Mitchell, Hunt, and Williams and saw Mitchell hit the Victim in the back with the stick. Williams and Hunt kicked the Victim. From about 20 feet away, she saw the Victim get hit with a stick in the back a couple times, fall to his knees, and get hit in the head. She did not name the attackers when she went back to the drink house. She saw police talk to Patricia Williams, Ezelle, Elnora, and Mr. Peoples. She heard Patricia Williams tell the police Darryl Hunt's name. Hunt wore blue jeans, a button-up shirt, and a brown leather jacket. Mitchell wore blue jeans and a white short-sleeve t-shirt. Williams wore blue jeans and a button-up short-sleeve shirt.	Yes; She saw Mitchell inside the house with a stick and Hunt had a "dagger." Bason walked not quite to the white church when she saw Mitchell hit the victim "quite a few times" and Williams and Hunt kick him before Mitchell hit him twice more. They looked up and saw her and ran down 17 th St. She talked to the police the next day and told everything but "did not call Sammy's name." In 1986, she called police about a fight with John Clowers and brought up this crime (but denies it was for reward money). When she saw the crime, she did not see anyone else on the street, but the victim, Mitchell, Hunt, and Williams. She is not sure how long after seeing the crime, that police came. She did not talk to them, but thinks Patricia did.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

BARBARA BASON (CONTINUED) (Deceased at the time of the NCIC Investigation)

Date of Statement	1987 Hunt Trial 1 Testimony
Who else was there?	Mattie Mae Davis, Patricia Williams, Paul Landingham, John Clowers, Darry Hunt, Sammy Mitchell, Williams; the house was pretty crowded.
See the Victim leave?	Yes; out the front door, down the steps, and to the right down Claremont; also says she did not see him get to the curb and turn.
See Sammy Mitchell with a stick?	Yes; an ax handle with black tape around it; Hunt had a dagger. She has seen them both with these weapons at her house before.
See Mitchell and Hunt leave?	Yes; out the back door with Williams.
See Williams leave?	Yes; out the back door with Hunt and Mitchell.
See an argument between Mitchell and the Victim?	The Victim would not buy Mitchell and his friends a drink. Then Mitchell, Hunt, and Drayton got in a corner in the kitchen and Mitchell said "that's all right. We'll fix him. We'll get his money."
See the crime?	Yes; saw Mitchell hit the Victim with a stick. The Victim "went down" and Hunt kicked him. Saw Mitchell hit the Victim in the head and the Victim go down in the intersection of 18 th and Claremont.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

JOSEPH RICHARDSON (Deceased at the time of the NCIC Investigation)

Date of Statement	4/30/86
Who else was there?	He was there with Peggy Jean Belton; saw Mitchell, Hunt, and Junior (Williams).
See the Victim leave?	Yes; out the front door a short time after Mitchell, Hunt, and Williams left out the back door.
See Sammy Mitchell with a stick?	No mention
See Mitchell and Hunt leave?	Yes; out the back door with Williams a short time before the Victim left out the front door.
See Williams leave?	Yes; out the back door with Mitchell and Hunt a short time before the Victim left out the front.
See an argument between Mitchell and the Victim?	No mention
See the crime?	No

PEGGY JEAN BELTON JACKSON (Deceased at the time of the NCIC Investigation)

Date of Statement	4/30/86
Who else was there?	She was there with Joseph Richardson. She remembers seeing Mattie Mae, Paul, Sammy Mitchell, Larry Jackson, and many others
See the Victim leave?	Couldn't remember what happened inside or outside of the house.
See Sammy Mitchell with a stick?	Couldn't remember what happened inside or outside of the house.
See Mitchell and Hunt leave?	Couldn't remember what happened inside or outside of the house.
See Williams leave?	Couldn't remember what happened inside or outside of the house.
See an argument between Mitchell and the Victim?	Couldn't remember what happened inside or outside of the house.
See the crime?	Couldn't remember what happened inside or outside of the house.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

LARRY LEE JACKSON (Deceased at the time of the NCIIC Investigation)

Date of Statement	4/30/86
Who else was there?	Said he was not there.
See the Victim leave?	N/A
See Sammy Mitchell with a stick?	N/A
See Mitchell and Hunt leave?	N/A
See Williams leave?	N/A
See an argument between Mitchell and the Victim?	N/A
See the crime?	N/A

MARY BYRD

Date of Statement	4/30/86	4/4/19 NCIIC Interview
Who else was there?	Mattie Mae, her brother Willie, Junior, Darryl, Sammy, Frog, Chicken George brother Midget, lady cooking, and the Victim.	Byrd, Mattie Mae Davis, Barbara Bason, Mitchell, Hunt, "a lot of people"; does not think Junior was there.
See the Victim leave?	No	Unclear; "that man left"
See Sammy Mitchell with a stick?	Has seen Sammy carry a "stick and knife like the one in the picture" but is not sure if he had it that night.	Yes; "I seen him with a stick" – unclear about when. A man named Isaac Chaplin who was present during the interview said Mitchell would always walk with a stick that looked like "a baseball bat with no fat end."
See Mitchell and Hunt leave?	Sammy is the only one she saw leave; a few minutes she later heard sirens.	Yes; "Sammy and Darryl did disappear out of that house...they left after that man left." "Both of them came back."
See Williams leave?	No	No. At first she did not recall Williams, then she remembered him as Mattie Mae's boyfriend, but did not think he was there that night. Talking about Mitchell and Hunt leaving, she said "Junior didn't leave."
See an argument between Mitchell and the Victim?	Sammy got mad when the Victim would not buy him a drink.	After seeing her past statement, she remembered the Victim would not buy Mitchell a drink "because he didn't wear a skirt."
See the crime?	No	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

JOHN HENRY CLOWERS, JR.

Date of Statement	5/5/86	8/23/86 with Barbara Bason ³	10/13/86, Mitchell Trial 2 Testimony ⁴
Who else was there?	Said he was not there.	He only names the Victim, Sammy Mitchell, and Darryl Hunt.	The Victim, Barbara Bason, Milton Peoples, Elnora Peoples, Mitchell, Hunt, and Junior (Williams)
See the Victim leave?	N/A	No mention	No
See Sammy Mitchell with a stick?	N/A	Yes; he saw Sammy Mitchell with an ax handle with black tape wrapped around it	He had seen an ax handle in Mitchell's hand in the past and saw him with it that night.
See Mitchell and Hunt leave?	N/A	No mention	No
See Williams leave?	N/A	No mention	No mention
See an argument between Mitchell and the Victim?	N/A	Yes; when the Victim would not buy drinks for Mitchell and Hunt, Mitchell got mad and said he would get the Victim.	Mitchell asked Victim to buy drinks for him, Hunt, and Junior. The Victim refused; then Mitchell, Junior and Hunt were in the "corner like it was a huddle like on the football team" and he heard Mitchell say "that's all right we'll get him."
See the crime?	N/A	No	No

³ Bason initiated a phone call to Det. Hicks and stated that Clowers was present at the drink house. Bason put Clowers on the phone and he then provided this information.

⁴ Clowers is shown a statement he signed that is dated August 26, 1986. The statement, which is largely consistent with what he said in the 8/23/86 phone call, is read aloud in court, but was not included in any of the files obtained by the Commission.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

JOHN HENRY CLOWERS, JR. (CONTINUED)

Date of Statement	4/4/19 NCIC Interview	5/20/19 NCIC Interview
Who else was there?	Barbara Bason, Patricia Williams, Mattie Mae Davis, Mitchell, Hunt	About 15 people including Ezelle Clowers, Jr., Guitar Gable, Merritt Williams, Sammy Mitchell, Darryl Hunt, and Barbara Bason
See the Victim leave?	No mention	No mention
See Sammy Mitchell with a stick?	He has seen Mitchell with pistols, knives, and sticks, but he is not sure about that night.	First said he did not see any weapons that night, then said Mitchell always toted a stick.
See Mitchell and Hunt leave?	No mention	Yes, they left together.
See Williams leave?	No mention	No mention
See an argument between Mitchell and the Victim?	No mention	No
See the crime?	N/A	No

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

JAMES PATE (Deceased at the time of the NCIIC Investigation)

Date of Statement	5/15/86
Who else was there?	He was at drink house; Eleanora and Milton Peoples were tending bar.
See the Victim leave?	No mention, but Pate said he left at 10:00 p.m.
See Sammy Mitchell with a stick?	No mention
See Mitchell and Hunt leave?	No mention
See Williams leave?	No mention
See an argument between Mitchell and the Victim?	No mention
See the crime?	No

LILLY MAE BELTON (Deceased at the time of the NCIIC Investigation)

Date of Statement	7/12/86
Who else was there?	No mention. She knew Mitchell, Hunt, and Drayton but could not say whether they were at the drink house that night.
See the Victim leave?	Yes; she left at the same time, but went in the opposite direction.
See Sammy Mitchell with a stick?	No mention
See Mitchell and Hunt leave?	Not sure if they were there.
See Williams leave?	Not sure if he was there.
See an argument between Mitchell and the Victim?	No mention.
See the crime?	No, but Sammy's girlfriend (not named) came and told her about it immediately.

UPDATED WITNESSES FROM THE DRINK HOUSE

(UPDATES IN GREEN)

ROBERT FLOWERS (1/18/90 interview located after the brief was sent out)

Date of Statement	1/18/90 Interview (Sykes Case)	5/14/19 NCIIC Interview
Who else was there?	The Victim, Mitchell, Mattie Mae Davis; Flowers did not know Hunt at the time and is not sure if he was there.	Unable to name individuals; the house was packed. He did not see Hunt there that night and (mistakenly) believed Hunt was in prison for the Sykes case at the time. Stated that people who say Hunt was there are “fabricating.” In a brief follow up interview, he said the only people there were himself, Mitchell, Mattie Mae Davis, Davis’ boyfriend Melvin, and whoever was working the bar.
See the Victim leave?	Yes, out the front door.	Yes, out the front door followed by Melvin LNU.
See Sammy Mitchell with a stick?	No mention	Yes; saw Mitchell pick up an ax handle from the corner of the kitchen and go out the back door.
See Mitchell and Hunt leave?	Mitchell left out the back door.	Mitchell left out the back door after picking up an ax handle.
See Williams leave?	No mention of Williams.	Flowers does not know Williams.
See an argument between Mitchell and the Victim?	The Victim refused to buy Mitchell a drink, but he does not describe an argument.	He does not describe an argument, but the Victim, who had been flashing money, told Mitchell he had no money when Mitchell asked for a drink.
See the crime?	No, but he believes Mitchell did it.	No

UPDATED WITNESSES FROM THE DRINK HOUSE

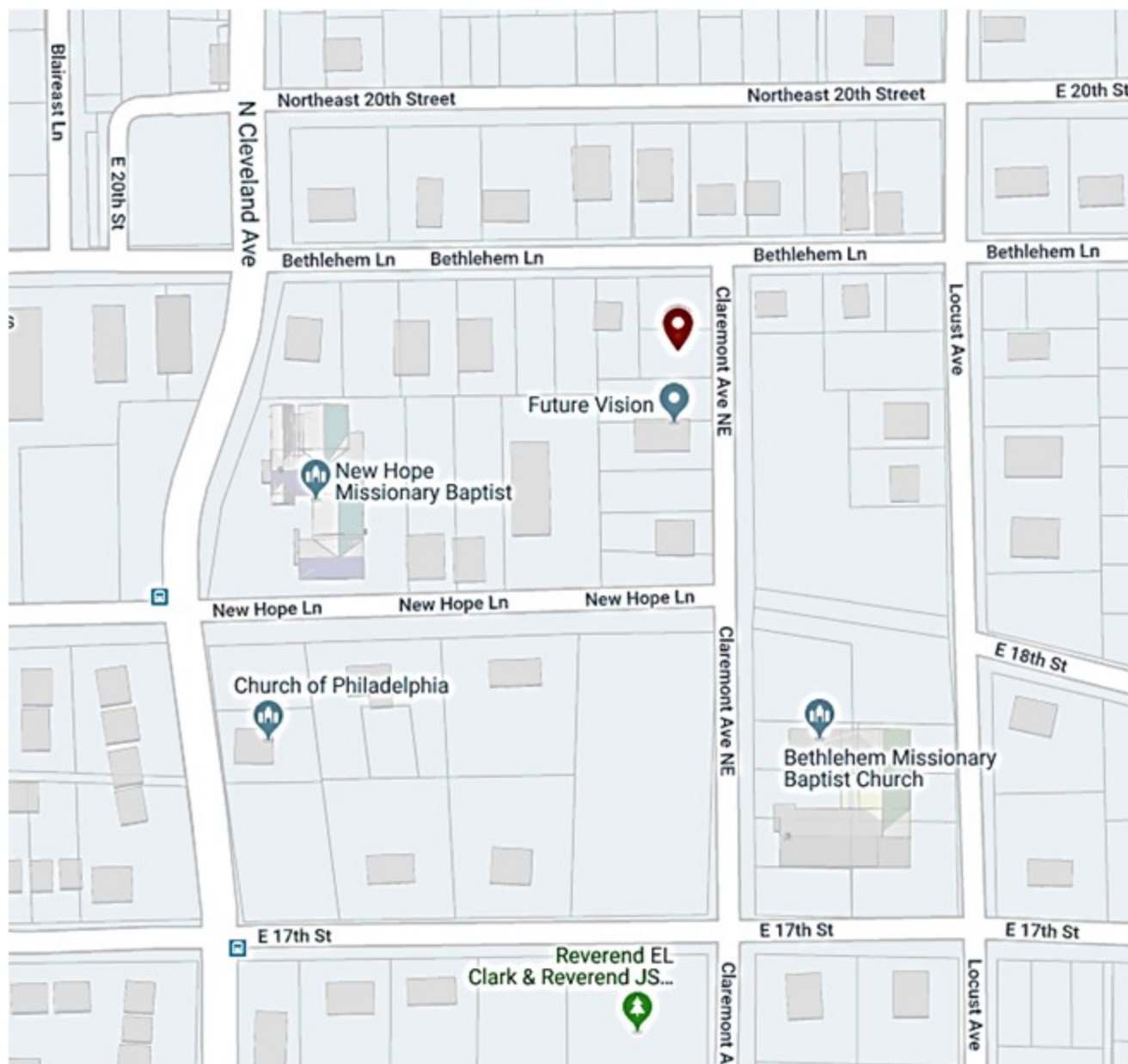
(UPDATES IN GREEN)

CAROLYN ANN WILSON

Date of Statement	5/7/19 NCIIC Interview
Who else was there?	She only went there to get Mitchell and Hunt.
See the Victim leave?	No
See Sammy Mitchell with a stick?	No
See Mitchell and Hunt leave?	Yes; they left with her to walk her home.
See Williams leave?	No
See an argument between Mitchell and the Victim?	Yes; in the street near Dunleith and 19 th .
See the crime?	Yes; a man walked up behind them while Mitchell and Hunt were walking her home and Mitchell and Hunt jumped on the man. Wilson tried to stop them from hitting and kicking the man, but ran home when they would not stop. She heard the next day on the news that the man had been killed. (Note: Wilson was confident this was the Arthur Wilson incident, until asked about the location being so far from where Mr. Wilson's body was found. She then stated she was not sure this was the incident.

Handout 45

Wilson Crime Scene Area



● 1816 Claremont Ave NE

Note: Bethlehem Lane was 19th Street and New Hope Lane was 18th Street at the time of the crime.

Handout 46

1 did she tell you?

2 A. She told me --

3 MR. FERGUSON: Objection.

4 THE COURT: Sustained.

5 MR. SAUNDERS: Your Honor, he asked him that. He
6 opened the door.

7 THE COURT: Sustained. Anything further?

8 MR. SAUNDERS: No, sir.

9 THE COURT: Come down. Call your next witness.

10 MRS. BRANCH: Call Barbara Bason. Come around,
11 Miss Bason.

12 (A witness is duly sworn.)

13 E W 4

14 BARBARA BASON, having been duly sworn to state
15 only the truth, testified on her oath as follows during:

16 DIRECT EXAMINATION BY MRS. BRANCH:

17 Q. Ma'am, tell us what your full name is.

18 A. Barbara Jean Bason, 1225 East 18th, apartment 7.

19 Q. Where did you live back in September of 1983?

20 A. 1225 East 18th, apartment 7.

21 Q. Miss Bason, can you tell us how far it is from your
22 apartment to Ezelle Clowers' drinkhouse?

23 A. I can go out my front door and go through the alley
24 to his back door of the drinkhouse.

25 Q. And how long would it take you to do that?

1 A. About five or ten minutes.

2 Q. In 1983, in September of 1983, who lived with you?

3 A. Johnny Edward Clowers, Jr., and Mr. Arthur Lee
4 Wilson.

5 Q. Is this the same Mr. Arthur Lee Wilson who was killed
6 in September of 1983?

7 A. No, it's not.

8 Q. Before September of 1983 and in September of 1983,
9 did you ever go over to Ezelle Clowers' drinkhouse?

10 A. Yes, I did.

11 Q. How often did you go over there?

12 A. Practically everyday.

13 Q. Would you describe what Ezelle Clowers' drinkhouse
14 was like? What went on there?

15 MR. FERGUSON: Objection.

16 THE COURT: Sustained.

17 Q. When you went to Ezelle Clowers' drinkhouse, what did
18 you do?

19 A. Drink.

20 Q. Can you state whether or not other people were there
21 also?

22 A. Yes, they were.

23 Q. And what were those other people doing that you saw?

24 A. Drinking.

25 Q. Do you know whether or not Ezelle Clowers' drinkhouse

1 had regular hours?

2 A. No, it did not.

3 Q. Can you tell us when it opened and when it closed?

4 A. Whenever. Sometime it don't close.

5 Q. Do you know yourself whether there was a certain time
6 of the night that everybody was sent home and it was closed?

7 A. No, it was not.

8 Q. Can you ⁺tell us whether or not alcohol was available
9 there 24 hours a day?

10 A. Yes, it was.

11 Q. Miss Bason, have you ever run a drinkhouse?

12 A. Yes, I have.

13 Q. And can you remember the address at which you ran a
14 drinkhouse?

15 A. Well, at 1225 number seven, where I'm staying at now
16 and on Ninth and Patterson.

17 Q. When you had the drinkhouse on Ninth and Patterson,
18 who actually owned it?

19 A. It was in Ezelle Clowers' name.

20 Q. And what did you do there? What did you do that
21 amounted to running the drinkhouse?

22 A. Stayed, you know, part of the night selling alcohol.

23 Q. Miss Bason, do you remember the night of September,
24 1983, that Arthur Wilson was killed?

25 A. Yes, I do.

1 Q. Did you know Mr. Wilson?

2 A. Just by being down to Ezelle's, yes.

3 MRS. BRANCH: May I approach the witness, Your
4 Honor.

5 Q. Miss Bason, I'll show you what's been previously
6 introduced into evidence as State's Exhibit Number one and
7 I'll ask you if you can identify the person in that
8 photograph.

9 A. Yes, I can.

10 Q. Who is it?

11 A. Mr. Arthur Wilson.

12 Q. During the daylight hours of September 16th, 1983, do
13 you know whether or not you went to Ezelle's drinkhouse?

14 A. Yes, during the day I did. Yes.

15 Q. How many times?

16 A. Once or twice. Maybe more. I'm not really sure.

17 Q. Do you recall how much you would have had to drink
18 before it got dark that day?

19 A. Not very much. I really can't recall. But I wasn't
20 drunk.

21 Q. After it got dark, did you go to Ezelle's?

22 A. Yes, I did.

23 Q. When you went to Ezelle's after it got dark, did you
24 go alone or in the company of someone?

25 A. With my boy friend, John Clowers.

1 Q. Do you know what path you took?

2 A. We went through the path.

3 Q. Is the path lighted?

4 A. No, it wasn't.

5 Q. Was there a concrete sidewalk or just a dirt path?

6 A. Dirt.

7 Q. When you got to Ezelle's, was anyone else there?

8 A. Yes, it was.

9 Q. Can you name some of the folks who were there?

10 A. Mattie Mae Davis, Patricia, --

11 Q. Now who is Patricia? Does she have a last name?

12 A. Patricia Williams. Paul Landingham, John Clowers,
13 Darryl Hunt, Mr. Mitchell, Drayton -- the house was pretty
14 crowded.

15 Q. Was it a large house?

16 A. Not that large.

17 Q. You stated I believe that Darryl Hunt was there? ✓

18 A. Yes, I did.

19 Q. Is that the same Darryl Hunt who is seated here in
20 the courtroom today?

21 A. Yes, it is.

22 Q. And you said Sammy Mitchell and then you said
23 Drayton. Are those two different individuals?

24 A. Yes, it is.

25 Q. Do you know whether the Drayton person had a first

1 name?

2 A. All I knew him by then was Drayton. I never did know
3 the first name.

4 Q. Do you know if that's the same person that is known
5 as Merritt Drayton?

6 MR. FERGUSON: Object to leading, if Your Honor
7 please.

8 THE COURT: Overruled.

9 A. Just like I stated, all I know was by Drayton.
10 That's all.

11 Q. During that night, did you have anything to drink?

12 A. Yes, I did.

13 Q. Can you tell us what you had to drink?

14 A. I had a half pint of wine.

15 Q. Did you only have one half pint of wine the entire
16 night?

17 A. No, I was drinking on and off.

18 Q. Who bought your drinks?

19 A. What -- my boy friend didn't buy them. Mr. Wilson
20 bought all ladies in the house a drink and then I started
21 buying myself after Clowers left.

22 Q. How did you find out that Mr. Wilson had bought or
23 was willing to buy drinks for the ladies?

24 A. Because I was in there when he said all the ladies
25 come to the bar; he was buying all the ladies a drink.

1 Q. What did he buy for you?

2 A. Well, what I usually drink.

3 Q. Mrs. Bason, do you know -- strike that.

4 Can you state whether or not there was any arguing
5 going on in the house that night?

6 A. Well, only thing that I --

7 MR. FERGUSON: Objection, if Your Honor please.

8 THE COURT: Overruled. Go ahead.

9 A. Only thing that I can say that I heard was Mr.
10 Mitchell asking Mr. Wilson to buy him and his friends a
11 drink. Mr. Wilson refused. And Mr. Mitchell, Drayton, and
12 Hunt got in the corner in the kitchen and Mr. Mitchell
13 started saying: That's all right. We'll fix him. We'll
14 get his money.

15 Q. Can you state whether or not you saw anything that
16 Mr. Mitchell had with him that night?

17 A. He had a stick.

18 THE COURT: Had what?

19 THE WITNESS: A stick.

20 MRS. BRANCH: May I approach the witness, Your
21 Honor?

22 THE COURT: Sure.

23 Q. Would you describe, first of all, the stick.

24 A. Yes, I can.

25 Q. Describe it for us, please.

1 A. It was a axe handle with black tape around it. ✓

2 THE COURT: What kind, ma'am?

3 THE WITNESS: Axe handle.

4 Q. Miss Bason, I'll show you what's previously been
5 marked and introduced into evidence as State's Exhibit
6 number eight and I'll ask you to take a look at it, please
7 ma'am.

8 Have you ever seen State's Exhibit number eight
9 before?

10 A. Yes, I have.

11 Q. And when did you see it before?

12 A. The night that Mr. Wilson got killed.

13 Q. And who had it?

14 A. Sammy Lee Mitchell.

15 Q. Can you state whether or not you saw anything that
16 Mr. Hunt had with him?

17 A. A dagger.

18 Q. A dagger?

19 A. Yes.

20 Q. Okay. Where on his body or where did you see him
21 with his dagger?

22 A. On his side.

23 Q. Can you describe that for us?

24 A. It was in a brown holster and the part of the knife,
25 the top part, was sticking up. Brown handle. ✓

1 Q. I believe you stated that you heard some conversation
2 among Sammy Mitchell, Merritt Drayton, and Darryl Hunt. Is
3 that right?

4 A. Yes, it is.

5 Q. Where was this conversation going on that you heard?

6 A. In the kitchen.

7 Q. Where were you when you heard it?

8 A. Beside the little bar by the kitchen.

9 Q. Could you tell whether or not -- were you able to
10 tell whether or not Mr. Hunt and/or Mr. Drayton were
11 participating in the conversation?

12 MR. FERGUSON: Objection.

13 THE COURT: Sustained.

14 Q. What, if any, part in the discussion was the
15 defendant taking?

16 MR. FERGUSON: Objection.

17 THE COURT: Overruled. Go ahead.

18 A. No, I do not.

19 THE COURT: What did you say, Ma'am?

20 THE WITNESS: I doesn't understand the question.

21 Q. Could you tell whether or not Merritt Drayton or
22 Darryl Hunt were doing any talking?

23 A. Yeah, they were whispering.

24 Q. Could you hear what they were saying?

25 A. No, I could not.

1 Q. What's the next thing that you remember after you saw
2 them whispering in the kitchen?

3 A. I turned and got me another drink and I walked
4 towards the living room. By this time, Mr. Clowers, Ezelle
5 Clowers, had came home. And him and Mr. Wilson got to
6 talking out on the front.

7 Q. Did you hear what they were saying?

8 A. No, I could not. And I went back towards the kitchen
9 and I got another drink. By that time, Mr. Hunt, Drayton,
10 Merritt Drayton, and Sammy Lee Mitchell went out the back
11 door.

12 Q. Where was John Henry Clowers at this time?

13 A. He had went home.

14 Q. Do you know why?

15 A. Because we had got in an argument.

16 Q. What, if anything, did you see Arthur Wilson do?

17 A. He went back out on the front. And as I was coming
18 out the front to go out the front door to go down the steps,
19 he was telling Mr. Clowers, which is Ezelle Clowers, that he
20 was getting ready to go home. He then walked down the
21 steps, turned to my right going up Claremont like going
22 towards 17 going home.

23 Q. Did you see him actually get down on the curb and
24 take a right or left?

25 A. No, I did not.

1 Q. Did you see him go out the front door?

2 A. Yes, I did.

3 Q. And which door did Darryl Hunt, Sammy Mitchell, and
4 Darryl Hunt go out?

5 A. Out the back.

6 Q. Right as they went out the back door, did you see
7 which way they went?

8 A. No, I did not.

9 Q. After Mr. Wilson left and after you saw the defendant
10 and the two other men go out the back door, what did you do?

11 A. I decided to go home.

12 Q. Which door did you go out to go home?

13 A. I went out the front.

14 Q. Well, wasn't it shorter for you to go out the back
15 door to go home?

16 MR. FERGUSON: Objection.

17 A. Yes, it was.

18 THE COURT: Overruled. Go ahead.

19 A. Yes, it was.

20 Q. Why did you go out the back door?

21 A. Because it was pretty dark going through the alley
22 and people have got hurt.

23 Q. What advantage was it to going out the front?

24 A. It was more light.

25 Q. When you went out the front door, tell us exactly

1 what you did and saw after that.

2 A. As I went out the back door, went down the -- I mean
3 excuse me, my mistake.

4 As I went out the front door, went down the steps,
5 commenced going on to where I live, not quite as I got to
6 the corner, I saw a man go down.

7 Q. Do you know what caused that man to go down?

8 A. I saw Mr. Mitchell hit him with a stick.

9 Q. When you say that man, what man are you referring to?

10 A. Mr. Arthur Lee Wilson.

11 Q. And when you saw Sammy Mitchell hit him with a stick,
12 what else did you see?

13 A. The man with -- Mr. Wilson went down and Mr. Hunt
14 started kicking him.

15 Q. And then what did you do or see?

16 A. I turned around and ran back to the drinkhouse.

17 Q. Did you try to warn Mr. Wilson?

18 A. No, I did not.

19 Q. Why not?

20 A. Because I was scared.

21 Q. When you got back to the house, what did you do?

22 A. I said the man is hurt. The man is hurt.

23 Q. And what did folks in the house do, if anything?

24 A. They started moving around, but whether they paid me
25 any attention or not, I cannot say.

1 Q. Did you go back down to the scene of what you saw
2 anymore that night?

3 A. No, I did not.

4 MRS. BRANCH: May I approach the witness, Your
5 Honor? May I approach the exhibit?

6 Q. Mrs. Bason, I'll ask you, now, to come down to
7 State's Exhibit number three and I first of all ask you if
8 you can point out as to State's Exhibit number three where
9 Ezelle Clowers' drinkhouse is located in September of 1983?

10 A. Right in here.

11 Q. Does State's Exhibit number three show where your
12 apartment building was?

13 A. Yes, it does.

14 Q. Will you point out for the jury where on State's
15 Exhibit number three your apartment was?

16 A. Right here.

17 Q. Is that the corner where the red truck is?

18 A. Yes, it is.

19 Q. Is that your building?

20 A. Yes, it is.

21 Q. All right. Will you describe as you were testifying,
22 a path that you followed to get from your apartment front
23 door to the back door of Mr. Clowers' drinkhouse. Would you
24 show the jury, realizing that there are some trees there,
25 but doing the best you can, show them the path, where the

1 path would have been that you would have used.

2 A. This is the drinkhouse. The path will be right along
3 in here.

4 Q. All right. Now, using again, the photograph, would
5 you show the jury as best you can exactly how you came out
6 of the house, the path that you took and where you were when
7 you witnessed Mr. Wilson being assaulted by the defendant
8 and Mr. Mitchell and Mr. Drayton?

9 A. A I stated a few moments ago, this was the
10 drinkhouse. I came out the front, down the stairs. Up this
11 way. To my apartment. I got right along in here. Right
12 where this person is standing right here. And that's when I
13 saw Mr. Mitchell, Drayton, and Hunt before the man -- right
14 along in here where Mr. Wilson went down. I didn't go any
15 further. I turned back around and went back to the
16 drinkhouse.

17 Q. Do you know if you saw all of the assault on Mr.
18 Wilson?

19 A. I didn't stay there to look.

20 MRS. BRANCH: You may return to your seat.

21 THE COURT: What was your last testimony, Ma'am?

22 THE WITNESS: I didn't stay there to look.

23 (The witness returns to the witnessed stand.)

24 Q. Mrs. Bason, do you know whether or not you saw any
25 cars on the street that night?

1 A. It was one by the store that would be on the
2 left-hand side.

3 Q. Can you go down to the photograph one more time and
4 show the jury where the store would have been that you're
5 talking about.

6 A. The store would be right across in here on the corner
7 -- won't coming across 18th Street.

8 Q. So is it on the left hand corner?

9 A. Yes, it is.

10 MRS. BRANCH: You may take a seat.

11 (The witness returns to the witness stand.)

12 Q. Can you tell us whether or not the car had any lights
13 on that night?

14 A. Yes, it did.

15 Q. Could you tell whether or not there were any
16 passengers in the car at that time?

17 A. Not to my knowledge. I couldn't say.

18 Q. You couldn't tell?

19 A. No, I could not.

20 Q. Mrs. Bason, did you go back down to the scene that
21 night?

22 A. No, I did not.

23 Q. Did you talk with any policeman that night?

24 A. No, I did not.

25 Q. And until April of 1986, did you tell any policeman

1 what you had seen?

2 A. --

3 Q. Until you talked to Randy Weavil and Teresa Hicks,
4 did you tell any policeman --

5 A. Only one. I can't recall his name.

6 Q. And do you remember -- well, let's go back to the
7 night that it occurred, the night that Mr. Wilson was
8 killed. Did you talk to any police that night?

9 A. No, I did not.

10 Q. Why not?

11 MR. FERGUSON: Objection.

12 THE COURT: Overruled.

13 A. Because I didn't go back down there.

14 Q. Did you want to talk to any police?

15 A. Well, at the time, I was scared. ✓

16 Q. Of whom?

17 A. Darryl Hunt --

18 MR. FERGUSON: Objection. X

19 THE COURT: Sustained.

20 A. Darryl Hunt --

21 THE COURT: Don't go into that.

22 MR. FERGUSON: Motion to strike.

23 THE COURT: Go ahead. Strike what she testified
24 to.

25 Q. Miss Bason, did therefore come a time when you did

1 tell the police what occurred?

2 A. Yes, it did.

3 Q. And do you recall how that came about?

4 A. I had called the law on my boy friend, John Clowers.

5 And I was mad at the time and I just started to talking.

6 Q. Did you give the police a statement?

7 A. Yes, I did.

8 Q. Do you remember what the name was of that very first
9 policeman?

10 A. Spillman and Officer Weavil.

11 Q. And did you give the police a statement, a written
12 statement?

13 A. Yes, I did.

14 Q. And did you go with the officers to show them where
15 on Claremont Street, Claremont Avenue you had been standing
16 at the time that the defendant, Sammy Mitchell, and Merritt
17 Drayton attacked and killed Mr. Wilson?

18 A. Yes, I did.

19 MRS. BRANCH: May I approach the witness, Your
20 Honor?

21 Q. Mrs. Bason, I'll ask you once again to step down and
22 come to what has been marked for identification purposes as
23 State's Exhibit number 10. And I'll just ask you if you can
24 identify this photograph.

25 A. Yes, I can.

1 Q. And what is this a photograph of?

2 A. The place where Mr. Wilson had got hit.

3 Q. Does this photograph show where you were standing the
4 night you witnessed him being killed?

5 A. Yes it do.

6 Q. And can you point out on this photograph where you
7 were standing?

8 A. About along in there.

9 Q. Can you tell us what this building in the right hand
10 corner of the photograph was used for?

11 A. It's a church.

12 MRS. BRANCH: You may take your seat.

13 (The witness returns to the witness stand.)

14 MRS. BRANCH: Your Honor, at this time move to
15 introduce State's Exhibit number 10.

16 THE COURT: All right.

17 MR. FERGUSON: We ask for limiting instruction,
18 if Your Honor please.

19 THE COURT: All right, members of the jury, --
20 are all of these photographs being offered for --

21 MRS. BRANCH: I'm just offering number 10 at this
22 time, Your Honor.

23 THE COURT: Have all of them at this point been
24 offered for illustrative purposes or substantive purposes --

25 All right, members of the jury, --

1 MRS. BRANCH: Number nine has not been offered,
2 Your Honor.

3 THE COURT: State is offering certain photographs
4 into evidence including State's Exhibit number 10. I
5 caution you that these photographs may not be used by you
6 and considered by you as substantive evidence in the case,
7 but only for the purpose of illustrating the testimony of
8 this witness and other witnesses, if you in fact find that
9 they do illustrate their testimony and for no other purpose.

10 Okay. Go ahead. Anything further?

11 MRS. BRANCH: Nothing, Your Honor.

12 THE COURT: All right. Members of the jury,
13 we're going to take our morning break at this time. If
14 you'll please recall the instructions which I have
15 previously given you and follow them, please. Be back in
16 place in 15 minutes.

17 (At 11:10 AM, a mid-morning recess is had.)

18 (At 11:25 AM, the mid-morning recess is ended.

19 The jury is brought into open court. The witness returns to
20 the witness stand.)

21
22 CROSS EXAMINATION BY MR. FERGUSON:

23 Q. You ran a drinkhouse of your own, you say, Miss
24 Bason?

25 A. Yes, sir.

1 Q. The drinkhouse that you ran on your own was a place
2 like most other drinkhouses where people come and drink?

3 A. Yes, sir.

4 Q. You serve whiskey, you serve wine, you serve beer?

5 A. Yes, sir.

6 Q. Some people come there, they use drugs, don't they?

7 A. No, sir.

8 Q. And when you were running your drinkhouse, you had it
9 available all hours of the day and night for anyone that
10 wanted to come there and get a drink, didn't you?

11 A. No, sir.

12 Q. And, of course, at the time you ran it, you knew that
13 it was illegal to do that, didn't you?

14 A. Yes, sir.

15 Q. In September of 1983, you were not employed were you?

16 A. No, sir.

17 Q. You're not employed now?

18 A. No, sir.

19 Q. You haven't been employed since 1983?

20 A. I have did some work this year.

21 Q. You did a little bit of work this year?

22 A. Yes, sir.

23 Q. But you're not employed now?

24 A. No, sir.

25 Q. When you were running a drinkhouse, you were making

1 your living off the money you got from the liquor?

2 A. Yes.

3 Q. Now, then on September 17th, 1983, you don't really
4 know how much you had to drink all day long, do you, Barbara
5 Bason?

6 A. I wasn't keeping a count.

7 Q. You started drinking early in the day like you
8 usually do, didn't you?

9 A. Yes.

10 Q. About what, 10 or 11 o'clock?

11 A. Maybe. I'm not sure.

12 Q. That was sort of your regular routine to start
13 drinking about that time of day?

14 A. Not everyday.

15 Q. Most days you did that, didn't you?

16 A. Not most days, no.

17 Q. Well, you did it on this day?

18 A. Yes, I did.

19 Q. And during the course of the evening, you went to
20 Ezelle's drinkhouse and, of course, your purpose in going to
21 the drinkhouse was to drink?

22 A. That's correct.

23 Q. And that's what you did?

24 A. That's correct.

25 Q. When John Clowers was there with you, he bought you

- 1 some drinks?
- 2 A. Yes, he did.
- 3 Q. You don't know how many drinks he bought you?
- 4 A. No, I wasn't keeping a count.
- 5 Q. Which ever ones he bought you, you drank, didn't you?
- 6 A. I wouldn't say that.
- 7 Q. He bought them for you to drink, didn't he?
- 8 A. Yes, he did.
- 9 Q. And you bought some drinks for yourself, didn't you?
- 10 A. Yes, sir.
- 11 Q. You drank the drinks that you bought?
- 12 A. Yes, sir.
- 13 Q. Arthur Wilson set up the house while you were there?
- 14 A. He bought me one drink; yes, sir.
- 15 Q. And you drank the drink he bought you?
- 16 A. Yes, sir.
- 17 Q. I believe you said on one occasion, you were not
- 18 sloppy drunk --
- 19 MRS. BRANCH: Objection.
- 20 Q. -- isn't that right?
- 21 THE COURT: Overruled.
- 22 A. Yes, sir. I wasn't drunk.
- 23 Q. You say now you weren't drunk at all?
- 24 A. I wasn't drunk. I don't get sloppy drunk.
- 25 Q. Well, I'm not talking about sloppy drunk. You felt

1 the alcohol, didn't you?

2 A. I felt good, but I wasn't drunk.

3 Q. Now, then, you said that you were in the kitchen, I
4 believe?

5 A. That's correct.

6 Q. At Ezelle's house?

7 A. Yes, sir.

8 Q. You said that you saw Sammy Mitchell, Darryl Hunt,
9 and Merritt Drayton go out the back door?

10 A. Yes, sir.

11 Q. And you saw Mr. Wilson go out the front door?

12 A. Yes, sir.

13 Q. How much time passed between the time you say you saw
14 Darryl Hunt and Merritt Drayton and Sammy Mitchell go out
15 the back door and the time you said you saw Mr. Wilson go
16 out the front door?

17 A. I can't say.

18 Q. You don't remember now how much time it was?

19 A. I can't recall.

20 Q. You have been able to recall before, haven't you?

21 A. I really can't say.

22 Q. You have testified under oath before, haven't you?

23 A. Yes, sir, I have.

24 Q. Concerning Arthur Wilson's death?

25 A. Yes, sir, I have.

1 Q. Do you recall that you testified before that Mr.
2 Wilson left the house 20 minutes before you left the house?

3 A. I don't recall. I might have said, but I don't
4 remember.

5 Q. Let me show you a transcript of your earlier
6 testimony, Miss Bason.

7 MRS. BRANCH: May I see it, please?

8 MR. SAUNDERS: I object, Your Honor. She's not
9 denying she didn't say it.

10 THE COURT: Overruled.

11 Q. Now, you testified in May of -- you testified on
12 October 13th, 1986, under oath in a courtroom here in
13 Winston-Salem about the death of Arthur Wilson, didn't you?

14 A. Yes, sir, I did.

15 Q. At the time you testified, you took an oath, didn't
16 you?

17 A. Yes, sir, I did.

18 MRS. BRANCH: Your Honor, I believe he's showing
19 the witness a different transcript now and I would like to
20 see what it is he's showing the witness.

21 MR. FERGUSON: Gladly.

22 Q. You took the witness stand and you swore that the
23 testimony you were going to give would be the truth, didn't
24 you?

25 A. Yes, sir.

1 Q. The whole truth and nothing but the truth, isn't that
2 right?

3 A. Yes, sir.

4 MRS. BRANCH: Your Honor, I object to the
5 position he's taking with the witness. I would ask that he
6 keep some distance from her and not get behind her like
7 that.

8 THE COURT: Overruled.

9 Q. Now, then, I want to direct your attention to page
10 121 of the transcript of that trial and ask you, weren't you
11 asked the question: And where were you then?

12 Your answer was: I was in the kitchen.

13 Isn't that right?

14 A. Yes, sir.

15 Q. And you were asked: What did you do then?

16 And your answer was: Well, after Wilson left, I left
17 about 20 minutes later.

18 Isn't that what you said at that time?

19 A. Probably. I just don't remember, yes, sir.

20 Q. Well, I'm just asking you if that's what you said at
21 that time.

22 MRS. BRANCH: Your Honor, he's arguing with the
23 witness. She said she may have said.

24 THE COURT: Overruled.

25 Q. So are you saying now that you remembered then it was

1 20 minutes and you don't remember now what it was?

2 A. I'm not sure --

3 MRS. BRANCH: Objection, Your Honor. He's
4 arguing with the witness.

5 THE COURT: Overruled.

6 Q. Well, Miss Wilson -- Miss Bason, you were willing to
7 swear under oath to something now you say you're not sure
8 of; is that correct?

9 MRS. BRANCH: Objection, Your Honor. She stated
10 she didn't remember; that she may have testified to that
11 some other time.

12 THE COURT: Sustained.

13 Q. But you say today that you went up the street right
14 after Mr. Ezelle, is that right -- Mr. Wilson, isn't that
15 right?

16 MRS. BRANCH: Objection. She stated she didn't
17 remember how long it was.

18 THE COURT: Sustained. Already testified.

19 Q. Now, after Mr. Wilson walked up the street, I believe
20 you said you walked up the street behind him; isn't that
21 right?

22 A. I probably said it. I'm really not sure.

23 Q. You're not sure whether you walked up the street
24 behind Mr. Wilson, Miss Bason?

25 A. I left a few minutes after he did. But how many

1 minutes, I do not know.

2 Q. You said that you walked a couple houses up the
3 street, isn't that right?

4 A. That's true, to go to my house, yes, sir.

5 Q. On your way home?

6 A. Yes, sir.

7 Q. And you weren't drunk, you said?

8 A. No, I wasn't.

9 Q. How long did it take you to get from Mr. Ezelle's
10 house -- from Ezelle Clowers' house to the two houses up the
11 street that you said you --

12 A. I couldn't tell you.

13 Q. You can't tell me that now?

14 A. No, sir, I cannot.

15 Q. Well, Miss Bason, you testified under oath before as
16 to how long it took you, didn't you?

17 A. Just like I said, I don't remember. I can't tell
18 you.

19 Q. My question was: Didn't you testify under oath --

20 A. Yes, I did.

21 Q. -- before as to how much time it took you?

22 A. That's correct.

23 Q. And at that time, --

24 MRS. BRANCH: May I see what you're showing the
25 witness?

1 Q. At that time, you were asked the question, were you
2 not, and I'll direct your attention to page 141 of the
3 transcript of your testimony, October 13th, '86.

4 You were asked: How long did it take you to walk
5 from Ezelle's house down to the second house here? Weren't
6 you?

7 A. Yes, I was asked that question.

8 Q. And you first said: Not that -- it didn't take me
9 that long.

10 Isn't that right?

11 A. That's correct.

12 Q. Then the question was: Well, can you give me some
13 idea?

14 And your answer was: Maybe 15 minutes.

15 MRS. BRANCH: Objection, Your Honor.

16 Q. Wasn't that your answer?

17 MRS. BRANCH: Objection. He's reading a portion
18 of the answer. Not the entire answer. I ask that the whole
19 answer --

20 MR. FERGUSON: If Your Honor please, Mrs. Branch
21 will have an opportunity to cross examine.

22 THE COURT: Read the entire answer.

23 MR. FERGUSON: Says maybe or I'm not sure.

24 MRS. BRANCH: I ask that the entire answer be
25 read --

1 THE COURT: Let me see it --

2 (Conference at the bench.)

3 Q. Just go over that again with you, Miss Bason, to be
4 clear. You were asked: Well, can you give me some idea?

5 Your answer was: Well, --

6 Your answer: Maybe 15 minutes, maybe or I'm not
7 sure.

8 Is that right?

9 A. That's correct.

10 Q. And the next question was again: You left the house
11 20 minutes after Mr. Wilson did.

12 And your answer was: Yes, I did.

13 Wasn't it?

14 A. Maybe.

15 Q. No, your answer was: Yes, I did.

16 Isn't it?

17 A. Yes.

18 MRS. BRANCH: May she be shown what the
19 transcript is he said she said?

20 MR. FERGUSON: It's right here for her to look
21 at, Miss Branch. You can come up and see for yourself, if
22 you would.

23 THE COURT: All right. I don't want argument
24 between counsel, now. Wait a minute.

25 Are you able to read that from that deposition,

1 ma'am?

2 THE WITNESS: I understand it. I'm not a very
3 good reader.

4 THE COURT: Well --

5 MR. FERGUSON: If there is any question --

6 THE COURT: Give her the opportunity to let her
7 look at it.

8 MR. FERGUSON: Certainly.

9 MRS. BRANCH: May I ask that she be directed to
10 the portion which she's been asked to read.

11 THE COURT: If you would, point it out to her.

12 THE WITNESS: Yes, I recall that.

13 Q. Now to be sure what you recall, you recall testifying
14 under oath that it took you 20 minutes -- that you left 20
15 minutes after Mr. Ezele; is that right?

16 A. Yes, sir.

17 Q. And you recall that you testified it took, maybe 15
18 minutes to get from Mr. Ezelle's house to the second house
19 up the street, isn't that right?

20 MRS. BRANCH: Objection, Your Honor, asked and
21 answered. And ask him not to point his finger at the
22 witness.

23 THE COURT: Overruled.

24 Q. Now, Miss Bason, you say that as you stood a house or
25 two up from Mr. Ezelle's house, you saw something happen to

1 Mr. Wilson up under the light or up at the intersection of
2 18th Street, is that correct?

3 A. As I was walking home, yes --

4 MRS. BRANCH: Objection, Your Honor. He's not
5 asked if he can approach the exhibit.

6 THE COURT: Approach the bench.

7 (Conference at the bench.)

8 Q. Now Miss Bason, I would ask you, with the Court's
9 permission, to step down to the diagram here.

10 I'm referring you now to State's Exhibit number 10.
11 This is the photograph that you say you pointed out when Mr.
12 Weavil and Miss Hicks were present out on Claremont Street
13 with you, is that correct?

14 A. Yes, sir.

15 Q. And where did you say you were standing on the night
16 of September 17th, 1983?

17 A. On this photograph here, I was about right along in
18 here.

19 Q. Somewhere behind the post right here?

20 A. Maybe a little bit past the post, but not quite. And
21 this right in here is where the accident -- where I saw it
22 happen.

23 Q. Right in here at the intersection of 18th Street?

24 A. Yes.

25 Q. And you said that when you were there, you saw Mr.

1 Mitchell hit Mr. Wilson in the head and Mr. Wilson went down
2 to the ground, is that right?

3 A. That's correct.

4 Q. And he went down to the ground right there where you
5 saw him hit in the head, is that your testimony?

6 A. That's where I seen him fall.

7 Q. Thank you, ma'am. That's all about the photograph.
8 You may go back.

9 Then you said you turned and ran to the house?

10 A. Yes, I did.

11 Q. Did you say anything as you ran toward the house?

12 A. When I got to the house, I said: The man is hurt.
13 The man is hurt.

14 Q. Did you say anything before you got to the house?

15 A. No, I did not.

16 Q. Did you say one word as you were walking down the
17 street or going back down the street?

18 A. No, I did not.

19 Q. Now, on another occasion, you testified under oath
20 concerning this matter on May 5th, 1986, didn't you?

21 A. Yes, I believe.

22 Q. And you were asked whether you were saying anything
23 as you ran down the street, weren't you?

24 And I'll direct your attention and the attention of
25 counsel here to page 63 of the transcript of May 5th, 1986.

1 And I want to be sure you can see the transcript, so let me
2 put it here in front of you.

3 You were asked the question: You said you were
4 screaming as you ran?

5 And your question (sic) was: Yes, I did.
6 Isn't that correct?

7 A. I might have said that. I'm not sure.

8 Q. Well, does it appear here in this transcript?

9 A. Yes, it does.

10 Q. The question: You said you were screaming as you
11 ran?

12 And your answer as it appears there has: Yes, I did.
13 Isn't that correct?

14 A. Yes, it is.

15 Q. And, of course, on May 5th, 1986, you were under oath
16 to tell the truth, the whole truth, and nothing but the
17 truth, isn't that right?

18 A. Yes, I was.

19 Q. And you were then asked the question: Did you scream
20 all the way back to the liquor house?

21 And your answer was: Yes.

22 Isn't that correct?

23 A. Yes, it is.

24 Q. And today you say you said nothing as you went back,
25 isn't that right?

1 A. I said I do not recall. I don't remember.

2 Q. When you got back to the liquor house, the
3 drinkhouse, do you recall the persons who were there?

4 A. Not right offhand, I do not.

5 Q. You saw Mattie Mae Davis there in the house, didn't
6 you?

7 A. Yes, she was there. Patricia Williams. The same
8 people that I saw earlier, yes, sir, they were.

9 Q. The same people you had left in the house were in the
10 house when you got back, is that right?

11 A. That's correct.

12 Q. And after you had been back at the house for a while,
13 the police came to the house, didn't they?

14 A. I wouldn't know about any police. I didn't stay
15 there. I went home.

16 Q. I'm asking you now if the police came to the house
17 after you went back the liquor house?

18 A. I wouldn't know. I wasn't there. I went home.

19 Q. You went home?

20 A. Yes, sir.

21 Q. So is it your testimony now that you never saw a
22 police officer there at the liquor house that night?

23 A. Not that night, I didn't.

24 Q. Let me direct your attention again to the transcript
25 of testimony May 5th, 1986, Miss Bason, and we'll begin with

1 page 66. And again I'll ask you to read along with me as I
2 ask you these questions.

3 Directing your attention to page 66 of your
4 transcript of testimony. You were asked: And you stayed at
5 the liquor house about an hour?

6 And your answer was: About an hour.

7 Isn't that correct?

8 A. Probably so, yes.

9 Q. Well, I'm just asking you if that is what's here in
10 this transcript.

11 A. Yes, it is.

12 Q. The next question was: Were you there when the
13 police came?

14 And your answer was: Yes, I was there.

15 A. I don't recall saying that.

16 Q. Well, I'm asking you if that was your answer that
17 appears here in the transcript?

18 A. I don't recall saying that.

19 Q. Would you look at the transcript, please, Miss Bason?

20 A. I might have said it, but I don't recall.

21 Q. Does that answer appear here in this transcript?

22 A. Yes, it does.

23 MR. SAUNDERS: Objection, Your Honor, asked and
24 answered. Said she doesn't recall.

25 THE COURT: Overruled.

1 Q. Next question was: Were people talking about it as
2 the police came around?

3 And your answer was: No, not right offhand. No, not
4 that I can remember.

5 Isn't that right?

6 A. That's correct.

7 Q. You were asked: Did you talk to the police that
8 night? Did you talk to the police that night?

9 And your answer was: No, I did not.

10 A. That's correct.

11 Q. Next question was: Did you hear some of these people
12 who said it was the wrong way Darryl and them had done them
13 -- done him, talking to the police that night?

14 Your answer was: Yes, they were.

15 A. I don't recall saying that.

16 Q. Well, would you look at the transcript with me, Miss
17 Bason. Doesn't that say right here in this transcript that
18 --

19 A. Yes, it does, but I don't recall.

20 Q. Are you denying that what's in this transcript is not
21 what you said?

22 A. I'm not denying. I just said I don't recall it.

23 Q. Didn't you testify that you were going to give the
24 truth, the whole truth at that time?

25 A. Yes, I did.

1 Q. And you said that today, too, didn't you?

2 A. Yes, I did.

3 Q. Next question was: Did they tell the police that it
4 was wrong the way Darryl and them had done him that night?

5 And your answer was: Yes, they did.

6 MRS. BRANCH: Objection, Your Honor.

7 Q. As it appears here in this transcript. Isn't that
8 correct, Miss Bason?

9 A. I might have said that. I don't recall.

10 MRS. BRANCH: Objection.

11 Q. I'm asking you what appears here in this transcript,
12 Miss Bason.

13 THE COURT: Isn't that the same question we've
14 been over?

15 MRS. BRANCH: Objection.

16 MR. FERGUSON: No, sir, it is not.

17 THE COURT: Is that another question?

18 MR. FERGUSON: Yes, sir; further down the page.

19 Q. Now, let's go over that one again, Miss Bason. Did
20 they tell the police that it was wrong the way Darryl and
21 them had done them that night?

22 Your answer was: Yes, they did. As it appears here
23 in this transcript, wasn't it, Miss Bason?

24 A. It's in there, but I don't recall it.

25 Q. You don't recall now what you said under oath when

1 you said you were going to tell the truth, the whole truth,
2 Mrs. Bason?

3 A. I understand. I'm not saying I didn't say it, but I
4 don't remember it.

5 Q. Next question was: You heard them call Darryl Hunt's
6 name to the police, didn't you?

7 A. Yes --

8 Q. Your answer was: They called all of them's name.
9 Isn't that correct?

10 A. I don't recall saying like that.

11 Q. Let me ask you to look at the transcript and tell me
12 whether or not that appears here in this transcript, Mrs.
13 Bason.

14 A. Yes, sir.

15 Q. They called all of them's names. Isn't that correct?

16 A. Yes, this is, but I don't recall it.

17 Q. But you were willing to say it under oath, weren't
18 you?

19 A. That's true. Just like I stated I might have said
20 it, I'm not saying I didn't.

21 Q. Now, did you -- I'll stay here, because I'm going to
22 go back to this transcript in a moment.

23 Did you hear Patricia Williams tell the police that
24 night that Darryl Hunt had been out there on the scene where
25 Mr. Wilson was killed?

1 A. No, I do not.

2 Q. You did not hear Patricia Williams tell the police
3 that, isn't that what you are saying?

4 A. I did not. I did not.

5 Q. Did you see Patricia Williams talking to the police?

6 A. Not that I can recall, no.

7 Q. Well, then let me flip the page to 67 and direct your
8 attention --

9 MR. SAUNDERS: May I see what he's showing --

10 MR. FERGUSON: It's page 67 of the Preliminary
11 Hearing transcript.

12 MRS. BRANCH: I'm not sure I have that with me
13 and I would like you to show it to me.

14 THE COURT: Which line is it?

15 MR. FERGUSON: Line 14, if Your Honor please.

16 THE COURT: Do you have a copy of it?

17 MRS. BRANCH: I'm not sure whenever it's here on
18 the table, Your Honor. And I would like to see what he's
19 showing the witness.

20 MR. FERGUSON: Well, Your Honor, I would like --

21 THE COURT: Let me see the transcript.

22 (Conference at the bench.)

23 MR. FERGUSON: If Your Honor please, I have a
24 copy here for Miss --

25 THE COURT: If there is another copy, you can

1 just follow along here.

2 MR. FERGUSON: I only have one other copy, Judge.

3 THE COURT: That's okay, I don't need a copy.

4 MRS. BRANCH: Your Honor, I don't believe this
5 copy has the name which shows the name of Barbara Bason in
6 this copy.

7 MR. FERGUSON: May I ask that Miss Branch come up
8 here and look on this copy with me?

9 MRS. BRANCH: Fine. I have no objection to doing
10 that.

11 Q. All right, now, Mrs. Bason, you were asked the
12 question at that time: Who did you see talking to the
13 police that night?

14 And your answer was: Patricia Williams, Ezelle,
15 Elnora, and Mr. Peoples; wasn't it?

16 A. I don't recall saying that.

17 Q. Look at the transcript, would you, Miss Bason.
18 Didn't you say at that time, Patricia Williams, Ezelle,
19 Elenor and Mr. Peoples. Isn't that what appears in here?

20 A. Yes, that's what that says. Like I said, I'm not --
21 I don't deny saying it, but I'm really not sure.

22 Q. Well, I'm asking you if it appears in this
23 transcript.

24 A. Yes, it does.

25 Q. Then you were asked: Anyone else?

1 And your answer was: That's all I can remember.

2 Isn't that right? Isn't that what appears right here
3 in this transcript?

4 A. Yes, it does appear.

5 Q. Then you were asked: Which ones of them did you hear
6 call Darryl Hunt's name to the police?

7 And you answer was: Patricia Williams.

8 Isn't that correct?

9 A. I might have said it, I really don't remember.

10 Q. Well, let me get you to look right here at this
11 transcript, Miss Bason --

12 A. That's what it --

13 MRS. BRANCH: Objection, if she can finish an
14 answer before he starts another question.

15 THE COURT: Had you finished --

16 A. As I was saying, I'm not denying that I did say that.
17 But I really don't remember.

18 THE COURT: All right.

19 Q. Then you were asked: What did you hear her say?

20 Isn't that correct? You see that right here?

21 A. Yes, I do see it.

22 Q. And your answer was: That she said it was wrong the
23 way they had did the man.

24 Isn't that what you answer says right there, Miss
25 Bason?

1 A. That's what it says in the transcript, yes.

2 Q. Then if we go to page 84 of that same transcript
3 under oath in this matter, you were asked at line six: And
4 you were standing right there when Patricia Williams told
5 them who was involved.

6 And your answer as it appears here in this transcript
7 was: I was sitting right there, yes.

8 Isn't that correct?

9 A. Yes, I might have said that, yes.

10 (Mrs. Branch and Mr. Ferguson return to their
11 seats.)

12 Q. Referring again to the photograph that has been
13 introduced as State's Exhibit number 10, do you say today
14 that this is the view that you had of 18th Street on the
15 night of September 17th, 1983? And you may look at it.

16 A. Yes, I do.

17 Q. And do you say that you could see things as clearly
18 as this photograph shows on that night?

19 A. I seen what I saw.

20 Q. Yes, ma'am. My question to you is: Could you see
21 things as clearly as this photograph depicts things here
22 today?

23 A. Yes, I could.

24 Q. That's what you told these police officers when you
25 talked to them and pointed that photograph out to them?

1 A. Yes, sir.

2 Q. Do you have some special vision, Miss Bason, that
3 causes you to be able to see as clearly at night as you do
4 in the daytime?

5 MRS. BRANCH: Objection, Your Honor.

6 THE COURT: Overruled.

7 A. Repeat the question.

8 Q. I said do you have some special vision that enables
9 you to see as clearly at night as you do in the daytime?

10 A. No, I do not have no special vision, but I can see.

11 MR. FERGUSON: Indulge me just one moment, Your
12 Honor. I've got my papers all scrambled.

13 (Pause in the proceedings.)

14 (Conference at the defense table.)

15 Q. Now, you said in your testimony, Miss Bason, I
16 believe -- and you tell me whether I'm correct -- that you
17 weren't sure about how many drinks you had that night; is
18 that right?

19 A. That's true.

20 Q. Now, of course, you testified under oath about how
21 much you had to drink that day, too, haven't you?

22 A. I wasn't keeping a count. During the day, I probably
23 had one, maybe more. I'm not sure.

24 Q. Well, directing your attention to the transcript of
25 your testimony on October 13th, 1986, beginning at page 666

1 --

2 MRS. BRANCH: Your Honor, I ask to be directed to
3 page that --

4 MR. FERGUSON: 666, as I said.

5 MRS. BRANCH: Ours is delineated with different
6 page numbers. We have two different transcripts of that
7 trial that's got different page numbers on it.

8 Q. You were asked at that time: How much did you have
9 to drink when you went over there?

10 And your answer was: About one or two drinks.

11 Is that correct?

12 A. That's correct.

13 Q. Then you were asked: Do you recall if it was one or
14 two?

15 And your answer: I don't know. I don't keep up with
16 what I drink.

17 Isn't that right?

18 A. That's correct.

19 Q. And then you were asked: What were you drinking?

20 And your answer was: Wine, like I always do.

21 A. That's correct.

22 Q. Isn't that right? Then you were asked: And when you
23 say one or two, you're talking about a half a pint of wine?

24 And your answer was: Yes.

25 Is that correct?

1 A. That's correct.

2 Q. In each cup?

3 Answer was: Yes.

4 Isn't that right?

5 A. That's correct.

6 Q. Then you were asked further down the page, line 19:

7 But you were drinking the whole time, were you not?

8 And your answer was: I wouldn't say the whole time,
9 but I was drinking.

10 Isn't that right?

11 A. That's correct.

12 Q. Then you were asked: Well, weren't too many minutes
13 that went by that night that you didn't have a drink in your
14 hands, was it?

15 And your answer was: Probably not.

16 Isn't that right?

17 A. That's correct, yes.

18 Q. Now, the fact of the matter is you had some drinks
19 after Mr. Wilson left the house, didn't you?

20 A. Probably did. I don't recall.

21 Q. When you were asked about that before in this
22 transcript of testimony, October 13th, 1986, under oath --

23 MRS. BRANCH: At what page?

24 MR. FERGUSON: At page 669.

25 Q. You were asked: How many drinks did you have -- I'm

1 sorry.

2 How many drinks did you have from the time Mr. Wilson
3 left the house until you saw Sammy Mitchell left the house?
4 And your answer was: I don't know because I wasn't
5 counting, just like I said.

6 Isn't that right?

7 A. That's correct.

8 Q. Then you were asked: Well, could it have been two or
9 three more drinks?

10 And your answer was: Maybe.

11 Isn't that correct?

12 A. That's correct.

13 Q. Then you were asked: Did you have anything else to
14 drink after Mr. Wilson left the house before you saw Mr.
15 Mitchell leave the house?

16 And your answer was: Yes, I did.

17 Is that correct?

18 A. That's correct.

19 Q. Then you were asked: Could you tell me how many it
20 was?

21 And you said: No, I cannot.

22 A. That's correct.

23 Q. So do you recall, now, that after Mr. Wilson left the
24 house, you were there at the house still drinking, isn't
25 that right, Mrs. Bason?

1 A. That's correct.

2 Q. And that night, of course, is not the only time that
3 you had quite a bit to drink, is it, Mrs. Bason?

4 A. I don't really understand your question.

5 Q. There have been days that you have had as much to
6 drink as you had on that day, isn't that right?

7 A. I wouldn't say that.

8 Q. There have been days that you've been out in the
9 public drunk, isn't that correct, Mrs. Bason?

10 A. I have been drunk a couple times, yes.

11 Q. You've been convicted of public drunkenness, haven't
12 you?

13 A. That's correct.

14 Q. And you also have been convicted of obstructing an
15 officer while you were drinking, isn't that right?

16 A. That's correct.

17 MR. FERGUSON: I don't have any further
18 questions.

19 MRS. BRANCH: I have a few, Your Honor.

20

21 **REDIRECT EXAMINATION BY MRS. BRANCH:**

22 Q. I believe Mr. Ferguson asked you some questions about
23 you working. Do you recall those questions?

24 A. Yes, I do.

25 Q. Do you work anywhere, Miss Bason?

1 A. No, I do not. Not at the present time.

2 Q. Does Mr. Clowers work anywhere?

3 A. Yes, he does.

4 Q. Where does he work?

5 A. He work for the city, the Sanitation Department.

6 Q. Does he pay the household bills?

7 A. Yes, he does.

8 Q. And I believe that you have said that you and he live
9 together, is that right?

10 A. That's correct.

11 Q. And how long have you all lived together?

12 A. About 11 years.

13 Q. Ms. Bason, do you know what you saw that night?

14 MR. FERGUSON: Objection.

15 THE COURT: Sustained.

16 Q. Ms. Bason, how long had you known Sammy Mitchell?

17 MR. FERGUSON: Objection. Been over that.

18 THE COURT: Overruled.

19 A. For a pretty good while.

20 Q. When you say say a pretty good while, can you tell us
21 whether it was a year or years?

22 A. About a couple years.

23 Q. And where had you first made the acquaintance of
24 Sammy Mitchell?

25 MR. FERGUSON: Your Honor, I object to this.

1 THE COURT: Sustained as to that.

2 Q. Can you tell us any of the different places you've
3 seen him?

4 A. He used to come to the liquor house on 9th Street a
5 lot and the one that I'm presently living in now.

6 Q. Do you know who Mr. Mitchell's friends were?

7 A. Most of the time I seen him with Mr. Hunt.

8 Q. Are you talking about the defendant?

9 A. Yes, ma'am.

10 Q. Darryl Hunt?

11 A. Yes, ma'am.

12 Q. And at Mr. Clowers' drinkhouse that night, were they
13 together?

14 A. Yes, ma'am.

15 Q. Do you know of any names that people call them, the
16 pair of them?

17 MR. FERGUSON: Your Honor, I object to this.

18 THE COURT: Sustained.

19 Q. Well, did you ever hear anybody call them the blues
20 brothers?

21 MR. FERGUSON: Objection.

22 THE COURT: Sustained.

23 Q. Had you ever seen Sammy Mitchell with the stick that
24 you've already identified in the evidence? Have you ever
25 seen him with that stick before?

1 A. Yes, I have.

2 Q. Can you tell us at what other places you had seen him
3 with that stick?

4 A. In my house at 1225, number seven.

5 Q. Have you ever seen Darryl Hunt with that dagger
6 before?

7 A. Yes, I have.

8 Q. And where had you seen him with that dagger before?

9 A. 1225, East 18th, apartment seven.

10 Q. And that's your house?

11 A. Yes, it is.

12 Q. Mrs. Bason, before today, can you tell us how many
13 times you had to testify about this?

14 A. It's been a couple times. I'm not quite sure how
15 many.

16 Q. Does this make the 4th time you've had to testify?

17 MR. FERGUSON: Your Honor, I object to leading
18 the witness.

19 A. If I'm not mistaken, it is.

20 THE COURT: What?

21 MR. FERGUSON: I object to leading the witness.

22 THE COURT: All right, don't lead.

23 Q. Can you tell us whether or not there were street
24 lights on Claremont Avenue the night as you walked home?

25 A. Yes, it was.

1 Q. Mrs. Bason, do you wear a watch?

2 A. No, I do not.

3 Q. Did you wear a watch back in 1983?

4 A. No, I did not.

5 Q. Were you keeping up with the time that night?

6 A. No, ma'am, I wasn't.

7 Q. And the four times you have testified about this
8 matter, have you ever identified anybody else as the people
9 who were standing down there on the corner of 18th and
10 Claremont killing Mr. Wilson?

11 A. No, ma'am.

12 MR. FERGUSON: Objection.

13 THE COURT: Overruled.

14 MRS. BRANCH: Nothing further.

15 MR. FERGUSON: I don't have anything further.

16 THE COURT: Stand down. Call your next witness.

17 MRS. BRANCH: Call Patricia Williams.

18 (A witness is duly sworn.)

19 SW5
20 PATRICIA WILLIAMS having been duly sworn to state
21 only the truth, testified on her oath as follows during:

22 DIRECT EXAMINATION BY MRS. BRANCH:

23 Q. Miss Williams, tell us what your full name is, please
24 ma'am.

25 A. My name is Patricia Ann Harper Williams.

1 Q. Can you speak up a little and maybe a little closer
2 to the microphone?

3 A. My name is Patricia Ann Harper Williams.

4 Q. Mrs. Williams, back in September of 1983, where did
5 you live?

6 A. I stayed at 1225, apartment eight, East 19th Street.

7 Q. In September of 1983, did you know Ezelle Clowers?

8 A. Yes.

9 Q. Did you know where his drinkhouse was on Claremont
10 Avenue?

11 A. Yes.

12 Q. How far was your apartment on 19th Street from Mr.
13 Clowers' drinkhouse over on Claremont?

14 A. Well, I had to cross the street and turn the corner.

15 Q. Was it a long distance?

16 A. No.

17 Q. How long did it take you to get over there from your
18 apartment?

19 A. More like five, maybe six minutes.

20 Q. Did you know it was a liquor house?

21 A. Yes.

22 Q. Did you ever go there?

23 A. Yes.

24 Q. How often did you go there?

25 A. I went there every now and then.

1 Q. Miss Williams, did you go to Ezelle Clowers'
2 drinkhouse on the night that Arthur Wilson was killed?

3 A. Yes.

4 Q. Do you know what time you went there?

5 A. I couldn't approximately say what time it was because
6 I had just left club when I went there.

7 Q. You had left where?

8 A. I had just left a club.

9 Q. What club had you left?

10 A. Vertie's Grill.

11 Q. What is -- I believe you called it a club. Can you
12 tell us what kind of club Vertie's Grill is?

13 A. Well, you go there and talk, drink beer, dance,
14 listen to music.

15 Q. Were you up at Vertie's Grill alone or in the company
16 of someone?

17 A. I wasn't alone.

18 Q. Who was with you?

19 A. Michael Eason and Jerry Roan.

20 Q. When you left Vertie's Grill, can you tell us whether
21 or not you went directly over to Ezelle Clowers' house?

22 A. Well, from the club, that's where we went.

23 Q. How far -- can you tell us where on Liberty Street
24 Vertie's Grill is?

25 A. It's right beside Sonny Powell's Grocery.

- 1 Q. Can you tell us what numbered street it's close to?
- 2 A. 17th.
- 3 Q. How did you get from Vertie's Grill over to Ezelle's?
- 4 A. Walked.
- 5 Q. Who all walked from Vertie's Grill to Ezelle's?
- 6 A. Me, Michael Eaton, and Jerry Roan.
- 7 Q. Do you know how long it took you to walk over there?
- 8 A. Naw.
- 9 Q. When you were at Vertie's Grill, did you have
- 10 anything to drink?
- 11 A. Yes.
- 12 Q. Can you tell us what you had to drink?
- 13 A. We drunk some beers.
- 14 Q. Do you know how much beer you drank?
- 15 A. I say about two quarts of beer.
- 16 Q. Did you drink two quarts of beer on your own or were
- 17 the quarts of beer shared?
- 18 A. They were shared.
- 19 Q. And who shared them?
- 20 A. Michael and Jerry -- Michael Eaton, Jerry Roan.
- 21 Q. And yourself?
- 22 A. Um-hum.
- 23 Q. Would you say that you don't know how long it took
- 24 you to get over to Ezelle's?
- 25 A. No, I cannot estimate the time.

1 Q. When got to Ezelle's drinkhouse, was anyone there?

2 A. The house was full.

3 Q. Can you name some of the people you saw?

4 A. Well, there was -- let's see, Mattie Mae, Elnora,
5 Milton, Barbara, Paul, -- oh boy -- who else -- there was a
6 bunch of us there.

7 Q. Let's go back to the people you know because I think
8 it would be helpful if we have last names. I believe you
9 mentioned Elnora and Milton. What was their last name, if
10 you know?

11 A. Peoples.

12 Q. And you said Paul. What was his last name?

13 A. Landingham.

14 Q. And you mentioned Barbara. What was her last name?

15 A. Bason.

16 Q. And you mentioned Mattie Mae. What was her name?

17 A. Davis.

18 Q. Did you see Arthur Wilson?

19 A. Yes.

20 Q. Did you know him by that name?

21 A. No.

22 Q. Did you know him by any name?

23 A. No.

24 Q. Had you ever seen him before?

25 A. No.

1 Q. You did see him in the house that night?

2 A. Yes.

3 Q. What was he doing in the house that night?

4 A. Well, he had ordered -- he ordered some drinks.

5 Q. For whom?

6 A. For -- well, let's put it like this: He set up the
7 house for the people that was in there.

8 Q. Did he buy you something?

9 A. Um-hum.

10 Q. What did he buy you?

11 A. He bought me a drink of vodka.

12 Q. Other than the drink -- in addition to the drink of
13 vodka that he bought for you, Mrs. Williams, can you tell us
14 what else you had to drink in that house that night?

15 A. Let's see, other than that what he brought me? Oh, I
16 had a drink before he bought that.

17 Q. Okay. Can you remember specifically everything you
18 had to drink that night?

19 A. Well, from Vertie's -- between his house and Ezelle's
20 -- you mean from Vertie's and Ezelle's?

21 Q. Not at Vertie's. I'm asking you what you had at
22 Vertie's. Can you remember every little drink you had that
23 night?

24 A. Um-hum.

25 Q. Okay.

1 A. I had three in all.

2 Q. What were they?

3 A. Fifty cent shots of vodka.

4 Q. Mrs. Williams, did you have any opportunity to tell
5 whether or not Mr. Wilson had any money with him that night?

6 A. No.

7 Q. Did you hear any arguing going on in the house that
8 night? Any fussing between anybody?

9 A. Naw.

10 Q. Do you know whether or not Mr. Wilson bought Sammy
11 Mitchell a drink that night?

12 A. No, he didn't buy him a drink.

13 Q. How do you know that?

14 A. I heard him when he asked him to buy one, but he told
15 him he wasn't buying him nothing.

16 Q. Now, who did the asking and who did the telling I'm
17 not buying you nothing?

18 A. Well, Sammy Mitchell asked Arthur Wilson to buy him
19 and his partner a drink and he told them he wasn't buying
20 them a damn thing.

21 Q. Do you know who Sammy Mitchell's partner was?

22 A. Darryl Hunt.

23 Q. Now, I believe you stated that you heard Mr. Wilson
24 and Mr. Mitchell having a discussion, but I don't think you
25 said they were in the house. Was Sammy Mitchell and Darryl

1 Hunt in that house that night?

2 A. When they was talking, they was inside the house;
3 they wasn't outside.

4 Q. Whereabouts in the house were they?

5 A. The -- let's see, Milton -- close in to the kitchen,
6 as you enter in the kitchen.

7 Q. Did you see whether or not Sammy Mitchell had
8 anything with him that night?

9 A. No.

10 Q. Did you see whether or not Darryl Hunt had anything
11 with him that night?

12 A. I wasn't paying any attention. ✓

13 Q. That night that Mr. Wilson was killed, did you know
14 who Merritt Drayton was?

15 A. No, I didn't.

16 Q. Had you ever seen him before?

17 A. No.

18 Q. And did you hear any discussion between -- among
19 Sammy Mitchell, Darryl Hunt, and anybody else?

20 A. No.

21 Q. Did you see the defendant, Darryl Hunt, or Sammy
22 Mitchell leave the house this night? ✓

23 A. No, I didn't. I was on the front.

24 Q. Did you see Mr. Wilson leave the house that night?

25 A. --

1 Q. Did you actually see him leave?

2 A. I seen him come towards the front door. But whether
3 he was leaving, I don't know.

4 Q. Did you realize at some point he had left the house?

5 MR. FERGUSON: Objection.

6 THE COURT: Sustained.

7 Q. Mrs. Williams, did you have any reason to go out of
8 the house that night?

9 A. Yes.

10 Q. Tell us about it.

11 A. Well, I got sick on my stomach and I had to throw up
12 and I couldn't get in the bathroom so I went out the front
13 door and down the steps on the side of the house.

14 Q. What, if anything, did you see when you went outside
15 to be sick?

16 A. Well, I threw up. And just as I was getting through,
17 I looked up facing -- looking down towards 18th. That's
18 when I seen Mr. Wilson fall. He got hit with a stick.

19 Q. By whom?

20 A. It was Sammy Mitchell.

21 Q. And then what did you see?

22 A. I seen the man fall and he went down. How many times
23 -- he also got kicked, but how many times, I cannot estimate
24 because I was aiming inside the house to tell them.

25 Q. Who was kicking him?

1 A. That was Darryl Hunt.

2 Q. Now, did you see more than two people?

3 A. There was a third person, but I couldn't make him
4 out.

5 Q. Tell us where you've seen Sammy Mitchell and Darryl
6 Hunt before this night.

7 A. --

8 Q. Do you understand my question?

9 A. Where had I seen them before this night?

10 Q. Um-hum?

11 A. I have seen them at Ezelle's house.

12 Q. And I believe you stated that after you saw Darryl
13 Hunt, after you saw him fall from Sammy Mitchell's blow, you
14 saw Darryl Hunt kicking him, is that right?

15 A. Um-hum.

16 Q. And then what did you do?

17 A. I ran back up the steps and told it. I was
18 screaming, they've got him, they are killing that man.

19 Q. Who did you tell it to?

20 A. Well, I was so excited, I was the first one heard --
21 I believe I told it to Paul Landingham.

22 Q. Who else, if you know?

23 A. Who all was standing in the room that heard me.

24 Q. What did those people do?

25 A. They too slow about moving around.

1 Q. Well, after they were slow about moving around, what
2 did they do?

3 A. They didn't do nothing until when they heard the
4 sirens and ambulance and stuff going down the street.

5 Q. And then what happened?

6 A. That's when people came out the house to look to see
7 what it was.

8 Q. Mrs. Bason -- excuse me -- Mrs. Williams, can you
9 tell us whether or not you saw any cars that night on
10 Claremont Avenue?

11 A. --

12 Q. You don't need to look at this. Did you see any
13 cars?

14 A. Um-hum.

15 Q. And you don't need to look at this. What cars did
16 you see?

17 A. It was a car sitting on the side of the street where
18 the store is at. It had the lights on. And I can't make
19 out what kind of car it was. But it was a blue car.

20 THE COURT: It was what, ma'am?

21 THE WITNESS: The color of it was blue.

22 Q. Now, Mrs. Williams, I'll ask you to step down to
23 what's been identified and introduced into evidence as
24 State's Exhibit number three. I want to you come down and I
25 want to use this stick and I -- first of all, I want you to

1 show us where Ezelle Clowers' drinkhouse was.

2 A. It was right in here, this section right here.

3 Q. Is it what's designated 1816 Claremont?

4 A. Um-hum. Right in here.

5 Q. Now, using the stick, if you will, describe how you
6 came out of the house and what you did.

7 A. Well, there are some steps. I came down the steps
8 and I was standing right there and I was throwing up. I
9 looked up here, right along in here. That's when I seen Mr.
10 Wilson go down.

11 Q. Tell us what you saw out there in that intersection
12 as you pointed out.

13 A. Well, I seen the man go down. And Mr. Hunt took and
14 kick him. By that time, I shot back up the steps along in
15 here, about in the middle of the house screaming.

16 Q. Now I'll show you what's been identified for purposes
17 of -- marked for purposes of identification as State's
18 Exhibit number nine. And I'll ask you if you can, -- can
19 you tell us what State's Exhibit number nine is?

20 A. I believe this is where I saw Teresa Hicks and them.
21 I was standing right along in here when I seen --

22 Q. This photograph shows where you were standing when
23 you saw Mr. Wilson get hit by Sammy Mitchell and kicked by
24 Darryl Hunt; is that right?

25 A. Yes.

1 Q. You may take your seat.

2 (MRS. BRANCH:) Your Honor, would I offer into
3 evidence, State's Exhibit number 10 -- number nine.

4 Q. After you ran back in the house and screamed to the
5 other people in the house that the man -- they are down
6 there killing that man, did you go down there anymore that
7 night?

8 A. I didn't go down there after that. But when the
9 ambulance and police and everything went down, I went down
10 there then.

11 Q. I believe you stated earlier, Mrs. Williams, that you
12 didn't know who the man was, that you didn't know Mr.
13 Wilson; is that right?

14 A. No, I didn't know him.

15 Q. When you got up to the house and were telling folks
16 in the house that they were down there killing that man, how
17 did you describe him?

18 A. I described him as the man that had on burgundy or
19 maroon shirt and pair of dark trousers on, the one that
20 bought the drinks.

21 Q. Did you talk to the police that night?

22 A. No, I didn't.

23 Q. Did any police ask you any questions that night?

24 A. No.

25 Q. Now, when you left from the site where Mr. Wilson had

1 been killed after the police and the ambulance came, after
2 you left from down there, where did you go?

3 A. Home.

4 Q. Did you stay there all night?

5 A. No.

6 Q. What did you do?

7 A. I turned around and went back over Ezelle house and
8 got me another drink.

9 Q. Why did you go home first?

10 A. Hum? I was too nervous. And scared.

11 Q. Now, I believe you said that you went back over to
12 Ezelle's?

13 A. Um-hum.

14 Q. And what did you do over at Ezelle's when you went
15 back?

16 A. I got me another drink.

17 Q. Can you tell us who was at Ezelle's house?

18 A. Well, after that last drink that I got, that's when I
19 ran into Mitchell again. I ran into him and he told me I
20 better not --

21 MR. FERGUSON: Objection.

22 THE COURT: Sustained.

23 MR. SAUNDERS: Your Honor, may we approach the
24 bench?

25 THE COURT: Yes.

1 (Conference at the bench.)

2 THE COURT: All right, go ahead, ma'am.

3 Q. And I believe I got as far as to asking you who you
4 saw when you went back there the Ezelle's.

5 A. I had seen Mr. Mitchell then.

6 Q. Now, when you say Mr. Mitchell, you talking about
7 Sammy Mitchell?

8 A. Yes.

9 Q. What, if any, conversation did you and Mr. Mitchell
10 -- you and Sammy Mitchell have at that time?

11 MR. FERGUSON: Objection.

12 THE COURT: Overruled.

13 Q. You can tell it.

14 A. He told me that I better not open my damn mouth, else
15 he will cut my throat.

16 Q. Well, after the night that Mr. Wilson was killed,
17 Mrs. Williams, did you go to the police voluntarily and tell
18 them --

19 A. No.

20 Q. -- what you had seen? Why not?

21 A. Because I was scared.

22 Q. Scared of what?

23 A. Sammy Mitchell.

24 Q. Did there come a time when you finally told the
25 police what you had seen?

1 A. --

2 Q. Did you finally tell somebody what you had seen?

3 A. When they came and got me.

4 Q. So, did you go to them or did they come to you?

5 A. (They come to me.)

6 Q. And, Mrs. Williams, did you give the police a
7 statement?

8 A. Yes.

9 Q. And did you go with the police and show them where
10 you were standing on the night that you saw Sammy Mitchell
11 and the defendant in this case, Darryl Hunt, killing Mr.
12 Wilson?

13 A. Yes.

14 Q. And does State's Exhibit number 10 show where you
15 went and showed officers -- Detective Hicks and Weavil where
16 you were standing?

17 A. Yes.

18 Q. Now, let me ask you: Was there a third person with
19 the defendant and Sammy Mitchell?

20 A. Yes, there were.

21 Q. Do you know who he was?

22 A. No.

23 MR. SAUNDERS: Bear with us just one minute.

24 (Conference at the State's table.)

25 Q. Mrs. Williams, do you know with what -- strike that.

1 What did Sammy Mitchell hit Mr. Wilson with?

2 A. It appeared to me to be a stick, but I couldn't
3 practically make out what kind of stick.

4 MRS. BRANCH: Nothing further.

5 THE COURT: All right, go ahead.

6 (The jury is duly warned not to discuss the case
7 and dismissed for the noon recess.)

8 (At 12:33 PM, a noon recess is had.)

9 (At 2:10 PM, Court is opened after the noon
10 recess.)

11 THE COURT: Bring the jury in, please.

12 MRS. BRANCH: Miss Williams, you need to return
13 to the stand.

14 (The jury is brought into open court.)

15

16 CROSS EXAMINATION BY MR. FERGUSON:

17 Q. Miss Williams, how tall are you?

18 A. Huh?

19 Q. How tall are you?

20 A. Five feet, four and a half inches.

21 Q. On the evening of -- or the day of September 17th,
22 1983, you started drinking in the afternoon hours of that
23 day, didn't you?

24 A. Yes.

25 Q. Would that have been two or three o'clock in the

1 afternoon that you started to drinking?

2 A. Yes, it would have been.

3 Q. And from the time you started drinking that afternoon
4 up until the early hours of the morning of the day that Mr.
5 Wilson was killed, you drank continuously, didn't you?

6 A. I didn't understand your question.

7 Q. You had several drinks over the course of the
8 afternoon and into the night?

9 A. Yes, I did.

10 Q. By the time you went out on the street in front of
11 Ezelle Clowers' house, you were intoxicated by then, weren't
12 you?

13 A. I was high.

14 Q. You would describe that as being intoxicated,
15 wouldn't you?

16 A. Yes, you would.

17 Q. Now then, before you went outside that morning, I'm
18 talking about just before Mr. Wilson was killed, you saw
19 Mattie Mae in the house, didn't you, Mattie Mae Davis?

20 A. Yes.

21 Q. You saw Barbara Bason at the house, didn't you?

22 A. Yes, sir.

23 Q. And you went out on the porch yourself because you
24 were beginning to feel a little sick, weren't you?

25 A. Yes.

1 Q. And when you went out on the porch and onto the
2 street, Mattie Mae was still in the house, wasn't she?

3 A. I'm not sure. I don't know because I was outside.

4 Q. Well, before you went outside, you saw her in the
5 house, didn't you?

6 A. Uh-huh.

7 Q. You went out on the front porch, didn't you?

8 A. Yes.

9 Q. Did you stay on the front porch for a few minutes?

10 A. I was off of the front porch onto the street.

11 Q. All right. You didn't see Mattie Mae come out of the
12 front porch on the street, did you?

13 A. No, I didn't.

14 Q. You didn't see her walk by you at any time, did you?

15 A. No.

16 Q. When you came out, Barbara Bason was in the house;
17 wasn't she?

18 A. Yes.

19 Q. You didn't see her come out on the front porch, did
20 you?

21 A. No.

22 Q. You didn't see her come out on to the street, did
23 you?

24 A. No.

25 Q. You didn't see her pass you on the street that

1 evening, did you?

2 A. No.

3 Q. As I understand your testimony, let me be clear about
4 this, you went out onto the street directly in front of
5 Ezelle Clowers' drinkhouse, is that right?

6 A. Um-hum.

7 Q. And when you went out in front of the drinkhouse, you
8 -- you threw up out there in the street, didn't you?

9 A. Yes, I did.

10 Q. Was that right here near the curb, would you say?
11 You can come over here, if you need to. And you can take
12 the pointer there and just point out where you were when you
13 threw up on the curb.

14 A. I was right along in here because there is a cement
15 -- there is a cement form right there. Step leads up. The
16 house which was sitting right in here. And I came down on
17 the porch to right in there. That's where I was throwing
18 up.

19 Q. And you remember that very clearly, that's where you
20 were?

21 A. Um-hum.

22 Q. And it was while you were throwing up I believe you
23 say you looked down the street?

24 A. Yes.

25 Q. And as you looked down the street, you saw somebody ✓

1 hit Mr. Wilson in the head?

2 A. Yes, I did.

3 Q. Okay. And point out here where you say Mr. Wilson
4 was at the time you say you saw him hit in the head.

5 A. He was right along in here. Right along in there.

6 Q. All right. You're pointing to right at the far
7 corner of 18th Street and Claremont?

8 A. Right at the street light shines right down, it was
9 right in here. See where the car parked on the corner?
10 Right down below, right in there.

11 Q. Right there. Okay. And you looked up and you saw
12 somebody hit Mr. Wilson in the head?

13 A. Yes.

14 Q. And then did you -- had you finished vomiting by then
15 or did you vomit anymore?

16 A. No, I didn't.

17 Q. You didn't vomit anymore after that.

18 A. I was through then. When I did that, I had to look
19 up. And when I looked up, that's when I seen the incident
20 going on.

21 Q. When you looked up and you saw that and then you ran
22 back in the house, is that right?

23 A. Yes, I ran back in.

24 MR. FERGUSON: Okay, you can return to your seat.

25 Thank you.

1 Q. Now, at the time you say you looked up and saw that,
2 that is what was going on down the street there, you didn't
3 see anybody else on the street, did you?

4 A. No, I didn't see nobody out there on the street.
5 Just the people that were -- where the attack was.

6 Q. Just the people down there where the attack was?

7 A. Um-hum.

8 Q. Let me -- I got to go back to this thing one more
9 time. You said you saw a car out there somewhere, isn't
10 that right?

11 A. Yes, I did.

12 Q. Come back down and point out to me just where you say
13 you saw that car.

14 All right, now, if you'll point out on State's
15 Exhibit number three here, where you say this car was that
16 you saw.

17 A. There was a car parked right over in this area, the
18 store right here -- store going right through there and you
19 can't see that for the tree.

20 Q. Can't see the store for the tree on this photograph?

21 A. The car was parked right in here.

22 Q. The car was parked on what we'll call the east side
23 of Claremont Avenue, is that right?

24 A. Um-hum.

25 Q. Now, which direction was the car headed toward?

1 A. Well, I could see the taillights, so had to be going
2 down Claremont.

3 Q. You saw the taillights on this side of the road over
4 here, or on the left-hand side of the road from where you
5 were?

6 A. Um-hum.

7 Q. Was that car moving?

8 A. No.

9 Q. It was sitting still. Did you ever see that car
10 move?

11 A. No, I didn't turn around to look and see. I ran back
12 in.

13 Q. Did you say what color the car was?

14 A. It was blue.

15 Q. You could tell from where you were that that car down
16 at the end of the street was a blue car, is that correct?

17 A. Yes, sir.

18 Q. Could you tell what kind of car it was?

19 A. No.

20 Q. Now, the only lights you saw on the car then was the
21 taillights, is that right?

22 A. The taillights was on.

23 Q. You didn't see any other lights on the car, did you?

24 A. Street light shining down over it.

25 Q. Street light shining down on the car?

1 A. Because there is a street light up in there.

2 Q. But the only light you saw shining from the car was a
3 taillight, is that right?

4 A. Yes.

5 Q. And you saw all of this in just a glance as you
6 looked up and then you went on into the house, is that
7 right?

8 A. I seen it. And I ran inside the house.

9 Q. Okay. And before you ran inside the house, did
10 anybody come down the street screaming about anything that
11 happened?

12 A. No.

13 Q. After you ran in the house, did Barbara Bason come in
14 the house screaming about anything she had seen outside?

15 A. I don't remember.

16 Q. When you went back into the house, Barbara Bason was
17 in the house, wasn't she?

18 A. I believe she was. I'm not sure.

19 Q. Well, let me try to refresh your recollection about
20 that just a little bit, Miss Williams. And I'm going to be
21 looking at page 143 of the transcript of Preliminary
22 Hearing.

23 You remember testifying under oath about this matter
24 before yourself, don't you?

25 A. Yes.

1 Q. And on May 5th, 1986, you testified in this case,
2 didn't you?

3 A. Yes.

4 Q. And let me ask you to pull up a little bit here so
5 you can see the transcript. You were asked the question --
6 I'll start up here at line 14: And you said you had gone
7 out on the porch?

8 And your answer was: Yes.

9 Isn't that right?

10 A. Yes.

11 Q. And the question was: And stepped down to the
12 street?

13 A. Yes.

14 Q. And your answer was: I went out on the porch by
15 myself for just a few minutes after he had left and that's
16 when I was standing out there and I come off the porch and I
17 got down in the street.

18 That's what you answered at that time, isn't that
19 right?

20 A. Yes.

21 Q. And the question was: Was Barbara Bason still back
22 in the kitchen at that time?

23 And your answer was: I believe she had left from the
24 kitchen and come towards the front.

25 Isn't that right?

1 A. Yes.

2 Q. Then you were asked: Did you see where she went?

3 And your answer was: No.

4 Isn't that right?

5 A. Yes.

6 Q. Then you were asked: She wasn't out there on the
7 porch and when you and the others were out there?

8 And your answer was: No. She didn't come out until
9 after the ambulance and stuff got down there. That's when I
10 seen her.

11 Isn't that right?

12 A. Yes. That's when I seen her.

13 Q. And the question was: After the ambulance had come?

14 And you answer was: The ambulance and the police and
15 everybody left because when I went back in the house, I said
16 oh my god, they done killed that man down there. And
17 everybody left the house.

18 That was your answer then, wasn't it?

19 A. Yes.

20 Q. Then you were asked: Barbara Bason was still in the
21 house at that time?

22 And your answer was: Yes. She was there at the
23 house when I came in.

24 Isn't that right?

25 A. Yes.

1 Q. And then you were asked: And you hadn't seen her
2 outside up to that point?

3 And your answer was: No.

4 Isn't that right?

5 A. Yes.

6 Q. While you were outside, nobody else ran in the house
7 and screamed anything about what was going on, did they?

8 And your answer was: No. That was me. I was the
9 only one.

10 Isn't that right?

11 A. Yes.

12 Q. And then you were asked: You were the only one that
13 did that?

14 And your answer was: Yes.

15 Isn't that right?

16 A. Yes.

17 Q. Then you were asked: If anybody had come in through
18 the front, they would have come by you, right?

19 And your answer was: That's right.

20 Isn't that correct?

21 A. Yes.

22 Q. The question: You would have seen them?

23 ANSWER: Yes.

24 Isn't that right?

25 A. Yes.

1 Q. You would have heard them; that was the question.

2 And your answer was: Yes.

3 Isn't that correct?

4 A. Yes.

5 Q. And insofar as Mattie Mae Davis is concerned, you
6 said that Mattie Mae Davis came out on the porch just before
7 this incident that you say you saw, isn't that right?

8 A. Yes.

9 Q. And Mattie Mae went back in the house, didn't she?

10 A. Yes.

11 Q. So that when you saw whatever you saw, Mattie Mae
12 Davis was in the house; isn't that right?

13 A. I guess she was. I can't say whether she was in
14 there then because I was outside.

15 Q. Well, let's just take another look here, Miss Davis.
16 I'm sorry, I called you Miss Davis. It's Miss Williams.

17 I want to refer you to page 153 of the transcript of
18 May 5th, 1986. And if we start here with with line 12, you
19 were asked the question: -- and look on here please, so we
20 can make sure it's clear -- Going back a moment to the night
21 of 17th, did you see Mattie Mae Davis?

22 And your answer was: Yes, I did.

23 Isn't that right?

24 A. Yes.

25 Q. QUESTION: Where did you see her?

1 Your answer was: She was at the house, too.

2 Isn't that right?

3 A. Yes.

4 Q. Then you were asked: Did she come out when you came
5 out?

6 And you answered: She came out for a little bit, but
7 then she went back in.

8 Isn't that what you said?

9 A. Yes.

10 Q. Then you were asked: Did she go back in before
11 anything happened down the street?

12 And you answered: Yes, she did.

13 Didn't you?

14 A. Yes.

15 Q. The next question was: She came back in before you
16 saw anybody hit Mr. Wilson?

17 Your answer was: She went on back in because she
18 came out for just a few minutes and then she went on back
19 inside the house.

20 That's what you answered then under oath, isn't that
21 right?

22 A. Yes.

23 Q. QUESTION: What did you see her do when she came out?

24 ANSWER: She just came out and spit. That was all.

25 I thought maybe she was getting sick on her stomach or

1 something but then she turned around and walked back inside
2 the house.

3 Isn't that right?

4 A. Yes.

5 Q. And then the question was: So it was just that
6 quick; she came out and spit and went back inside the house.
7 How far out of the house did she come?

8 And your answer was: Well, she come out through the
9 front way.

10 Isn't that right?

11 A. Yes.

12 Q. Let me just go on with another couple questions and
13 answers here, Miss Williams.

14 QUESTION: She came out through the front. Did you
15 see anyone with her when she came out?

16 And your answer was: No. Everybody was just moving
17 around inside the house and that's all you could see.

18 Isn't that right?

19 A. Yes.

20 Q. And then you were asked: How long had she been back
21 in the house before you saw anything down the street?

22 ANSWER: I'd say she was back in there maybe 10, 15
23 minutes.

24 QUESTION: Did you ever see her back outside?

25 And your answer was: I didn't see her come back out

1 until I went in about this man's death. What I said. And
2 then she came out and everybody went down the street and the
3 ambulance and police and everything was down there.

4 Isn't that right?

5 A. Yes.

6 Q. And when you testified to these things I just asked
7 you about, you had taken an oath that you were going to tell
8 the truth, the whole truth, and nothing but the truth; isn't
9 that right, Miss Williams?

10 A. Yes.

11 (Conference at the defense table.)

12 Q. From the distance where you were in front of Ezelle
13 Clowers' house, Miss Williams, you couldn't see the face of
14 anybody down on the other side of 18th Street at that time
15 of night, could you?

16 A. Which side you talking about?

17 Q. Wherever it was you say you saw these three people.

18 A. They were right there at the street light.

19 Q. Well, my question to you is: Could you see their
20 faces from where you were?

21 A. I could see them.

22 Q. Could you see their faces?

23 A. No, I couldn't see their faces.

24 Q. All right. You saw three people down there?

25 A. Yes.

1 Q. Isn't that right?

2 All right. And you assumed that it was Sammy
3 Mitchell and Darryl Hunt because you --

4 MRS. BRANCH: Objection.

5 THE COURT: Let him finish his question.

6 Q. -- you assume they left the house together, isn't
7 that right?

8 MRS. BRANCH: Objection.

9 THE COURT: Overruled.

10 A. No, I seen them. They was down there.

11 Q. Well, do I understand -- I'm just trying to clear
12 this up, now. Did you see what kind of pants either Sammy
13 Mitchell or Darryl Hunt or the third person you say you saw
14 had on from the distance you say were you?

15 A. Well, the third person, I can't make him out.

16 Q. I understand. I'm asking if you could identify the
17 clothing the people had on from where you were?

18 A. Well, Sammy had on jeans with a white t-shirt. He
19 wears a cap backwards.

20 Darryl had on a brown jacket and some jeans.

21 Q. All right. Now, Miss Williams, you were asked
22 before, and I'll refer you to the same transcript we were
23 talking about, the one on May 5th, 1986. Page 146. At line
24 17 you were asked the question -- and you may look on here:
25 Well, I'm just trying -- just a minute -- I'm just trying to

1 understand what you could see from where you were. I
2 understand what you are saying, but you couldn't see into
3 the face of anybody down there from where you were, isn't
4 that right?

5 Your answer was: No.

6 Isn't that correct?

7 A. Right.

8 Q. And then you were asked: And you were going by the
9 fact that you had seen Sammy with a backwards hat on and
10 that you knew that he and Darryl had left the house together
11 and that's what you were going by, when you said that's who
12 it was.

13 And your answer was: Yeah.

14 Isn't that correct?

15 MR. FERGUSON: Thank you, ma'am. That's all.

16 THE COURT: Just one moment, Miss Williams.

17
18 REDIRECT EXAMINATION BY (MRS. BRANCH)

19 Q. Mrs. Williams, how many times have you had to testify
20 in this matter?

21 A. This will be my fourth time.

22 Q. Before you went out on the street and threw up and
23 saw what you saw, did you have any reason to keep up with
24 what time it was?

25 A. No.

1 Q. Were you keeping up with what time it was?

2 A. No, I wasn't.

3 Q. Were you wearing a watch that night?

4 A. No.

5 Q. And before you went out on the street and threw up
6 and saw the defendant and Sammy Mitchell and Merritt Drayton
7 attacking Mr. Wilson, were you paying any attention to who
8 was in the house and who was on the porch and who had gone
9 outside and who hadn't?

10 MR. FERGUSON: Your Honor, I object to her
11 leading this witness.

12 THE COURT: Overruled.

13 A. No, I wasn't paying too much attention to who all was
14 in the house and who was leaving.

15 Q. Miss Williams, I'll show you -- I'll turn your
16 attention to page 723 -- you can slide over this way so it
17 will be easy for you to see -- and I direct your attention
18 to line 11 to where the question is asked of you: When you
19 went in the house, did you see Barbara Bason?

20 And was your answer as it appears in the transcript:
21 I wasn't looking for nobody in particular.

22 A. Yes.

23 Q. Then the question was asked of you: Did you see
24 Barbara Bason?

25 And isn't it correct that your answer was as it

1 appears in the transcript: I can't hardly recall. Barbara
2 said she was there that night.

3 Is that correct? Was that the answer you gave?

4 A. Yes.

5 Q. Then I'll direct your attention to page 725 of the
6 transcript of the October 13th trial to line 10 of that page
7 where the question appears: Do you remember seeing Mattie
8 Mae Davis that night?

9 And is your answer as it appears in the transcript:
10 I seen her earlier that night.

11 Was that your answer?

12 A. Yes.

13 Q. And then the next question having been: Was she in
14 the house when you went outside?

15 Answer as it appears in the transcript: I'm not
16 sure, but I believe she were.

17 Was that your answer?

18 A. Yes.

19 Q. The next question was: After you saw him get hit,
20 Mr. Wilson get hit and you ran back into the house, did you
21 see Mattie Mae Davis in there then?

22 Was your answer as it appears in the transcript:

23 Well, I wasn't paying too much attention to nobody's face.

24 I just blurted it out. I was scared but I know it was still
25 crowded in there.

1 Was that your answer?

2 A. Yes.

3 Q. Now, Miss Williams, I believe that Mr. Ferguson asked
4 you some questions reading to you out of a transcript that
5 related to you being out on the porch and seeing Mattie Mae
6 Davis come outside and spit and go back in the house. Do
7 you remember his reading you those questions?

8 A. Yes.

9 Q. And I believe you went over questions to which your
10 answer was that she went back in the house and it was maybe
11 10 or 15 minutes before you saw Mr. Wilson attacked. Do you
12 remember going over that with Mr. Ferguson?

13 A. Yes.

14 Q. When Mattie Mae came back in the house, came outside
15 the house and spit and went back in, do you know where she
16 went?

17 A. Naw, I didn't go back in behind her.

18 Q. Do you know whether she went out the back door or
19 didn't go out the back door?

20 A. No, I don't know.

21 Q. Can you state whether the house was crowded or not
22 that night?

23 A. Yes, it was.

24 Q. How large a house was it?

25 A. It's a small house.

1 Q. Do you have any idea how many rooms it had?

2 A. About three -- about three or four rooms.

3 Q. Mrs. Williams, do you know whether or not when you
4 saw the attack on Mr. Wilson, do you know whether you saw
5 all of it?

6 A. No, I didn't see it all.

7 Q. And why is that?

8 A. Because the part what I did see, I ran.

9 MRS. BRANCH: No further questions.

10

11 RE CROSS EXAMINATION BY MR. FERGUSON:

12 Q. Mrs. Williams, you don't know any reason why the
13 truth would be any different on May 5th, 1986, than October
14 13th, 1986, do you?

15 MRS. BRANCH: Objection, Your Honor.

16 THE COURT: Sustained.

17 Q. From the first time you testified in this matter on
18 May 5th 1986, did you try to tell the truth at that time?

19 A. Yes, I did.

20 MR. FERGUSON: That's all.

21 THE COURT: Thank you. You can stand down. Call
22 your next witness.

23 MRS. BRANCH: Call Mattie Mae Davis.

24 (A witness is duly sworn.)

25

1 MATTIE MAE DAVIS, having been duly sworn to state
2 only the truth, testified on her oath as follows during:

3 DIRECT EXAMINATION BY MRS. BRANCH:

4 Q. Miss Davis, I'll ask you to come a little closer to
5 the microphone so everybody will be sure to be able to hear
6 you.

7 Miss Davis, please tell us what your whole name is.

8 A. Mattie Mae Davis.

9 Q. And you're going to need to speak up, I believe.

10 A. Mattie Mae Davis.

11 Q. Miss Davis, where did you live in September of 1983?

12 A. I had lived at 1714 North Liberty and then I moved.

13 Q. And when you moved, where did you move to?

14 A. On 9th Street.

15 Q. Now, with whom, if anyone, did you live on Liberty
16 Street?

17 A. With my mother.

18 Q. And when you lived on 9th Street, with whom did you
19 live?

20 A. Just me and Drayton.

21 Q. When you say just you and Drayton, I'm not sure I
22 understood. What's the last name you said?

23 A. Drayton.

24 Q. Do you know that person's full name?

25 A. Merritt William Drayton.

1 Q. And what, if any, nickname did you call him?

2 A. Junior.

3 THE COURT: Called him what, ma'am?

4 THE WITNESS: Junior.

5 Q. And in September of 1983, am I correct that you lived
6 with him on 9th Street?

7 A. Yes.

8 Q. What was the relationship between you and Junior or
9 Merritt Drayton?

10 A. Girl friend, boy friend.

11 Q. Back then, did you know Sammy Mitchell?

12 A. Yes.

13 Q. Tell us how it was that you knew him.

14 A. Well, I had seen -- you know, when I first met him,
15 really, was down Ezelle's drinkhouse.

16 Q. Do you know when that was?

17 A. It was some weeks and stuff. When I first started
18 going down there, that's when I first, you know, seen them
19 going down there.

20 Q. So as long as you had been going to Ezelle's, you had
21 seen Sammy Mitchell, is that correct?

22 A. Yes.

23 Q. Did you know Darryl Hunt?

24 A. No, not really.

25 Q. Did you ever make an acquaintance with Darryl Hunt?

1 A. You know, we had stood around and talked. That's
2 all. *the Δ*

3 Q. Where did you stand around and talk?

4 A. Down at the drinkhouse.

5 Q. How far from your house on -- how far from your home
6 on 9th Street was it for you to go over to Ezelle's
7 drinkhouse?

8 A. I can't call.

9 Q. How did you go?

10 A. Walked.

11 Q. How often did you go to Ezelle's drinkhouse?

12 A. Just about everyday.

13 Q. And with whom did you go?

14 A. Me and Drayton.

15 Q. Did you go any particular time of the day or did you
16 change about the times you went?

17 A. About the same time I usually go.

18 Q. What time did you usually go?

19 A. Sometimes I go in the evening about five and sometime
20 about two.

21 Q. Ms. Davis, did you go to Ezelle's drinkhouse on the
22 day that Arthur Wilson was killed?

23 A. Yes.

24 Q. Who went with you, if anyone?

25 A. Drayton.

1 Q. And what time did you go?

2 A. We got there about five or six.

3 Q. Can you name the people that you remember being there
4 when you got there?

5 A. Barbara, Patricia --

6 Q. What's Barbara's last name?

7 A. I can't pronounce her last name.

8 Q. Patricia, what's her last name?

9 A. Williams. Paul Landingham. I had seen Darryl Hunt
10 there, Sammy Mitchell was there.

11 Q. Can you remember any other people who --

12 A. And this lady named Sandra, but I don't know her last
13 name.

14 Q. Do you know whether Milton and Elnora Peoples were
15 there?

16 A. I ain't paid no attention.

17 Q. Do you know whether Mr. Arthur Wilson was there?

18 A. Yes, I had seen him in there.

19 Q. Did you see him in there that night?

20 A. Yes.

21 Q. Had you ever seen Arthur Wilson before that night?

22 A. Yes.

23 Q. Do you have any idea how many times before you had
24 seen him?

25 A. I say about three.

1 Q. Can you tell us whether the house was crowded that
2 night or whether it wasn't crowded?

3 A. Yes, it was a crowd in there.

4 Q. Was there plenty of room for everybody to sit down?

5 A. No.

6 Q. What did you have to do?

7 A. Move around, go around, you know, either tell them to
8 move over, you know, some peoples do.

9 Q. Ms. Davis, before you went down there at five or six
10 o'clock, did you have anything to drink?

11 A. Yes.

12 Q. Anything alcoholic to drink?

13 A. Yes.

14 Q. Tell us what you had.

15 A. I had about five or six beers.

16 Q. In all, up until the point that Mr. Wilson was dead,
17 do you know how much you had to drink?

18 A. About five or six beers.

19 Q. I don't think you understood my question. Before
20 y'all went down to Ezelle's, before you left to go down
21 there, did have anything to drink?

22 A. Yes.

23 Q. Do you know what you had before you left to go down
24 there?

25 A. Yeah. Beer.

1 Q. How many beers?

2 A. About three.

3 Q. And how many beers did you have in all that night?

4 A. In all. It's about five or six in all.

5 Q. Do you know what time Mr. Wilson got to Ezelle's?

6 A. No, I do not because when I got down there, he was
7 already down there.

8 Q. Did Mr. Wilson buy you anything to drink?

9 A. No, he did not.

10 Q. Do you know whether or not he bought Sammy Mitchell
11 or Darryl Hunt something to drink?

12 A. No, I do not.

13 Q. Did you hear any argument or any unpleasant words
14 passed between Mr. Arthur Wilson and Sammy Mitchell that
15 night?

16 A. Yes.

17 Q. Tell us what you heard.

18 A. Only thing I heard Sammy Mitchell -- Sammy was
19 calling him a M. -- say the word?

20 Q. Well, tell us -- first of all, tell us what you want
21 to say and if it's not a sufficient explanation, I'll ask
22 you further.

23 A. Only thing I heard Sammy Mitchell just call him
24 names, that's all.

25 Q. Will you tell us what name you heard Sammy Mitchell

1 call him?

2 A. Called him a black motherfucker and a bitch. ✓

3 Q. Do you know what the unpleasantness was about?

4 A. No, I don't remember.

5 Q. Did Mr. Wilson respond? Did you see him say anything
6 back or hear him say anything back to Sammy Mitchell?

7 A. No, I did not.

8 Q. Mrs. Davis, what, if anything, did you see Merritt
9 Drayton and Sammy Mitchell and Darryl Hunt do as the night
10 went on, while y'all were still at the house?

11 A. Well, I just seen Sammy and Darryl and Drayton, I
12 just seen them talking.

13 Q. Did you see Mr. Wilson actually leave the house that
14 night?

15 A. No.

16 Q. Did you leave the house that night?

17 A. Yes.

18 Q. With whom did you leave?

19 A. Drayton.

20 Q. Which door did y'all go out?

21 A. Back.

22 Q. Where were you headed, if you know?

23 A. Down there to the park on 17th Street.

24 Q. And what street did you use to go toward the park on
25 17th Street?

1 A. Claremont.

2 Q. So if you went out the back door of the house, how
3 did you get around to Claremont?

4 A. It's, you know, a little on the side, it's a little
5 -- something like a little path, came out the back.

6 Q. From the house?

7 A. Yes.

8 Q. Did you take that path to get to Claremont?

9 A. Um-hum.

10 Q. Once you and Drayton got to Claremont, tell us what
11 happened.

12 A. We walked on down the street like we going down by
13 17th Street park and we seen --

14 Q. Which side of the street --

15 A. We was on the left-hand side. And we seen Mr. Arthur
16 Wilson. We had done passed him.

17 Q. You had what?

18 A. We seen Mr. Arthur Wilson. We had done passed him.

19 Q. You headed on past him?

20 A. Um-hum.

21 Q. Where exactly did you pass him?

22 A. On Claremont.

23 Q. After you passed him -- strike that.

24 Did you or Merritt Drayton speak to Mr. Wilson when
25 you passed him or did he speak to you?

1 A. No, we didn't speak and he didn't speak to us.

2 Q. After you passed him, what happened?

3 A. Then, I seen Darryl Hunt and Sammy Mitchell coming
4 out by 18th Street.

5 Q. At the time that you saw Darryl Hunt and Sammy
6 Mitchell coming out of 18th Street, had you and Drayton
7 reached 18th Street or were you already past 18th Street?

8 A. We had gone past to the corner.

9 Q. You had already passed?

10 A. Um-hum.

11 Q. So how was it you were able to see them coming down
12 18th Street if you were already past?

13 A. I turned to the right, like this.

14 Q. After you saw Sammy Mitchell and Darryl Hunt coming
15 out of -- well, which way were they headed when they were
16 coming out 18th Street?

17 A. Like going down by 17th Street.

18 Q. Were they coming toward Claremont or were they going
19 away from Claremont?

20 A. Going away from Claremont.

21 Q. After you turned around and saw them, tell us what
22 happened.

23 A. Sammy Mitchell took and pushed Mr. Drayton -- I mean
24 Mr. Arthur Wilson. And Mr. Arthur fell on the ground and
25 Sammy Mitchell took and kicked him twice and then I told

1 Drayton to come on, let's go back. So Drayton didn't come
2 back. So I left him, Darryl, and Sammy down there. And
3 Darryl just -- I reckon was he was looking to see was the
4 man all right. He was leaning looking like this. And I
5 went on back up to the drinkhouse. *

6 Q. Ms. Davis, I'm going to ask you to step down to
7 State's Exhibit number three.

8 MRS. BRANCH: Can the members of the jury see the
9 photograph? There is a glare on it.

10 (The exhibit is adjusted.)

11 Q. Now Ms. Davis, if you will, using State's Exhibit
12 number three, I want you to first point to where on State's
13 Exhibit number three Ezelle Clowers' drinkhouse was.

14 A. Right up there.

15 Q. Now, I believe you testified that you went out the
16 back door and came down a path --

17 A. Yes.

18 Q. -- to go out to Claremont Street. Would you show us
19 the path as it appears on the photograph?

20 A. Right there.

21 MRS. BRANCH: Can all members of the jury see
22 that?

23 Q. All right, when you got -- when you came down that
24 path, will you show us which way on Claremont Avenue you
25 went?

1 A. Down this way.

2 Q. And were you walking on the left-hand side of the
3 street?

4 A. Yes, I was.

5 Q. Will you show us the point on this photograph at
6 which y'all passed Mr. Wilson.

7 A. It was about right along up in here.

8 MRS. BRANCH: Can everyone see where she is
9 pointing to?

10 Q. Now, will you show us where exactly you and Merritt
11 Drayton were when you turned around and saw Sammy Mitchell
12 and Darryl Hunt coming out of 18th Street?

13 A. I would say right on up in here.

14 Q. Will you show us where Sammy Mitchell and Darryl were
15 when you first saw them coming out of 18th Street?

16 A. Right up in here.

17 Q. Now, will you show us where it was that you first saw
18 them attack Mr. Wilson?

19 A. About right there.

20 Q. Now, I believe you testified that you asked Drayton
21 to come on, isn't that right?

22 A. Yes.

23 Q. Where was he standing in relation to Sammy Mitchell,
24 Darryl Hunt, and Mr. Wilson when you told him -- you don't
25 need to point on this, I'm just asking you to tell how close

1 to them he was when you told him to come on.

2 A. Right on the corner in where the street is right
3 there.

4 Q. Now point to that.

5 A. Right there.

6 Q. Now, how close -- I'll stand back and I want you to
7 walk as close to me as you were when you saw this attack
8 take place. Now, use me as your measuring stick and I want
9 you to come as close to me as you were to them.

10 A. Okay, about right along up here.

11 Q. All right. Now, using me as your model, using me,
12 show how it was that Sammy Mitchell -- first, I believe you
13 said he pushed. Was he facing him or was he behind Mr.
14 Wilson when he was pushed?

15 A. He was behind.

16 Q. Okay. I want you to show me -- use me as your model
17 -- show me what it was that Sammy Mitchell did.

18 A. Like that. (Indicating)

19 Q. Okay. Was Sammy Mitchell taller or shorter?

20 A. He kind of tall.

21 Q. All right, you can take the stand.

22 (The witness returns to the witness stand.)

23 Q. Ms. Davis, did you see any stick yourself?

24 A. No, I did not.

25 Q. After you saw Mr. Mitchell push Mr. Wilson and Mr.

1 Wilson fall and after you saw Mr. Mitchell kick Mr. Wilson,
2 what did you do?

3 A. I turned around and went back up to the drinkhouse.

4 Q. Did you try to get Drayton to come with you?

5 A. Yes, I did.

6 Q. Did he come?

7 A. No, he did not.

8 Q. Did you see any of the -- assuming there was any more
9 to the attack, did you see it after you started walking
10 toward Ezelle's house?

11 A. No, I did not.

12 Q. Did you see any police that night?

13 A. Yes, I did.

14 Q. Did you tell them anything?

15 A. No, I did not.

16 Q. Ms. Davis, did there come a time when policemen came
17 to Ezelle's drinkhouse and got you out of it?

18 A. Yes.

19 Q. And when they -- do you remember who those policemen
20 were?

21 A. Yes.

22 Q. Who were they?

23 A. Officer Hicks, Officer Weason, and this gentleman.

24 Q. You mean Randy Weavil, Teresa Hicks and Bobby
25 Spillman?

1 A. Yes.

2 Q. And where did they take you when they got you out of
3 Ezelle's house?

4 A. On 9th Street.

5 Q. What was on 9th Street?

6 A. That was where I was staying at.

7 Q. What did you do when you got to 9th Street?

8 A. They asked me -- they wanted to go in the house and
9 see something. They asked me was it all right and I told
10 them yeah. And I opened the door so all of us went in the
11 house.

12 Q. Who did you live there with at that time?

13 A. Merritt Drayton.

14 Q. So when you went in the house, what happened?

15 A. Well, we went in the house, Drayton took them to a
16 stick and he got the stick and they took the stick and laid
17 it on the bed. They took some pictures of it.

18 Q. Miss Davis, I'm going to show you what's been marked
19 as State's Exhibit (number eight) and ask you if this is the
20 stick that they found in your house.

21 A. Yes, it is.

22 Q. After you -- after the stick was found in your home,
23 did you thereafter talk with the police any more?

24 A. Yes, I did.

25 Q. Where did you talk with them?

1 A. I forgot the name of the place on Cherry Street.

2 Q. Is it the police station, the new one?

3 A. Yes.

4 Q. And did you give them a statement?

5 A. Yes, I did.

6 Q. Was Mr. Drayton in jail at that time?

7 A. Yes, he was.

8 MRS. BRANCH: Indulge us for a moment here, Your
9 Honor.

10 Q. When you and Mr. Drayton went out the door, back
11 door, did Sammy Mitchell and Darryl Hunt go with y'all out
12 the door at the same time?

13 A. No, they did not.

14 MRS. BRANCH: Nothing further, Your Honor.

15
16 CROSS EXAMINATION BY MR. FERGUSON:

17 Q. Miss Davis, you said you had had quite a bit to drink
18 that day as well?

19 A. Sir?

20 Q. You had had several beers to drink that day?

21 A. I had five or six.

22 Q. Five or six beers?

23 A. Yes, sir.

24 Q. That night at the drinkhouse, do I understand you to
25 say that you never saw Sammy Mitchell with a stick?

1 A. I have not.

2 Q. You saw him at the drinkhouse, didn't you?

3 A. Yes, I did.

4 Q. You didn't ever see a stick in his hand?

5 A. No, I did not.

6 Q. And you say that you were near the incident at the
7 time Mr. Wilson was pushed to the ground?

8 A. Yes, sir.

9 Q. You say Sammy Mitchell pushed him to the ground?

10 A. Yes, sir.

11 Q. You didn't see Darryl Hunt do anything?

12 A. No, sir.

13 Q. And, of course, as you were trying to get Drayton to
14 come on, you said, you were watching to see what was going
15 on at that time, weren't you?

16 A. Yes, sir.

17 Q. You didn't see Darryl Hunt do anything?

18 A. No, sir.

19 Q. The whole time you were out there, you didn't see
20 Darryl Hunt do anything?

21 A. No, sir.

22 Q. You say you looked at him bend over the man to look
23 and see if the man was all right?

24 A. Yes, sir.

25 Q. That's all you saw him do that whole night?

1 A. Yes, sir.

2 Q. When you went back up to the drinkhouse, you went in,
3 did you hear Barbara Bason come in screaming?

4 A. No, sir.

5 Q. Did you see Barbara Bason out there on the street at
6 all that night?

7 A. No, sir.

8 Q. Did you see Patricia Williams outside on the street?

9 A. I seen her when I went back up there to the house.

10 Q. When you went back to the house?

11 A. Yes, sir.

12 Q. You hadn't seen her before that?

13 A. No, sir.

14 Q. You say that Drayton never left the house with Sammy
15 Mitchell and Darryl Hunt?

16 A. No, sir.

17 Q. At the time the police came to your house to get this
18 stick, you and Drayton were living together, were you not?

19 A. Yes, sir.

20 Q. The police told you that they might charge you with
21 being an accessory to this crime, didn't they?

22 A. No, sir.

23 Q. At the time you were talking to the police, the
24 subject of your possibly being charged came up, didn't it,
25 Mrs. Davis?

1 A. I couldn't hear you.

2 Q. The subject of your possibly being charged did come
3 up --

4 A. No, sir.

5 Q. Not at all?

6 A. No, sir.

7 Q. Let me refer you to the time you testified under oath
8 in this matter on September 8th, 1986, at page 225. You
9 were asked a question at line 11: When the police first
10 came to talk to you about this, did they ever suggest to you
11 that you could be charged as an accessory in this crime?

12 And your answer was: Yes.

13 Isn't that right?

14 A. Yes, but I don't remember calling them.

15 Q. I beg your pardon?

16 A. I don't remember, you know, saying that.

17 Q. You don't remember saying that, but you recognize
18 this is your testimony that you gave before?

19 A. Yes.

20 Q. And you were also asked: And did they tell you --
21 and did they ask you if you did not testify that you would
22 be charged?

23 And you answered: No, they didn't tell me nothing
24 about if I didn't testify I would be charged.

25 And the question was: Did you think you would be

1 charged if you didn't testify?

2 And your answer was: Um-hum or um-um.

3 Isn't that right?

4 A. Yes, sir.

5 Q. And the first time that you told the police that you
6 were right there looking at this incident was in September,
7 1986, when you testified, isn't that right?

8 A. Yes, sir.

9 Q. You had talked to the police before that, of course,
10 hadn't you?

11 A. Yes, sir.

12 MR. FERGUSON: That's all.

13 THE COURT: Thank you, ma'am.

14 MRS. BRANCH: Just a couple questions if I might,
15 Your Honor.

16

17 REDIRECT EXAMINATION BY MRS. BRANCH:

18 Q. I believe they asked you about -- that Mr. Ferguson
19 asked you about did you see Pat. Do you remember his asking
20 you that, about seeing Pat?

21 A. Yes, ma'am.

22 Q. And I believe you say that you saw her when you came
23 back in.

24 A. Yes, I did.

25 Q. Did you, in fact, see her when you went back in the

1 house after having witnessed the attack?

2 A. Yes, I did.

3 Q. What was she doing?

4 A. She was talking to Paul Landingham and she was saying
5 they done kill that man; they done kill that man.

6 Q. Is that when everybody got up and ran out?

7 A. Yes.

8 MRS. BRANCH: Nothing further.

9 THE COURT: Thank you.

10 MRS. BRANCH: Your Honor, the next witness is the
11 witness whose been sequestered. He's downstairs.

12 (At 3:00 PM, a mid-afternoon recess is had. The
13 jury is told to follow prior instructions.)

14 (At 3:20 PM, the mid-afternoon recess is ended.
15 The jury is brought into open court.)

16 THE COURT: All right, call your next witness.

17 MRS. BRANCH: The State calls Paul Landingham.

18 (A witness is duly sworn.)

19 *SW*
20 PAUL GRADY LANDINGHAM, having been duly sworn to
21 state only the truth, testified on his oath as follows during:

22 DIRECT EXAMINATION BY MRS. BRANCH:

23 Q. Mr. Landingham, please tell us your full name.

24 A. Paul Grady Landingham.

25 Q. You might need to speak up a little so everybody who

Handout 47

James Ford Trial Testimony – Sammy Mitchell’s 2nd Trial

Direct Examination

Page #	Description	Exhibit
820	In prison in SC for violating parole on an armed robbery charge from 1971; four months left on sentence; came home to Winston Salem while on parole.	
822	Saw an article about Sykes case in Charlotte Observer in prison library that mentioned Sammy, Darryl, and Drayton being charged in Wilson case; thought it was terrible because he gave info about the murder to police a few weeks after it happened and Hunt, Mitchell, and Drayton weren’t involved	
823	That night he was walking up 18 th to Claremont and noticed three guys in shadows; walked past and took path to Locust St. to buy cocaine from a friend’s house	
824	Had done no drugs or alcohol at the time; bought drugs and walked back the same way; saw the same three guys attacking “Mr. Smith” who he knew as Holiday	
825-826	State’s Ex. 1 is the victim; the attack “delayed” his approach to 18 th St.; he stood back until it was over and the three guys ran down the street; walked up and saw Victim moaning and thought he was drunk/unconscious and would be able to get up on his own eventually Ford did not tell police that night; got arrested for B&E sometime later. He was represented by Banister Browder.	State’s Exhibit 1 – photo of the Victim. The photos of the victim at the crime scene obtained by the Commission are in the brief at pages 57-58.
827	One of the three attackers used a brick that looked like discarded mortar with rocks in it; after his arrest later he was in Forsyth County Jail; told Attorney Browder that he gave info to two detectives in exchange for release on bond.	
828	Ford gave one name directly to Det. Belton and two names to his attorney (Browder) to forward to Belton, Det. Wilkins, or the DA’s office	
829	Talked with Belton in October of 1983; contacted Larry Little in 1986 when he saw about Sammy Mitchell being on trial; as a result of contacting Little, PI Les Burns visited him in prison.	
830	Defense Ex. 5 is Ford’s statement to Burns; Ford not promised anything for his testimony; came forward of own free will; never spoke in detail about the case until talking to PI Burns	Defense Exhibit 5 – Ford’s Statement to PI Les Burns (included in

Page #	Description	Exhibit
		brief on pages 479-481).
832-833	<p>Ford was shown a composite in 1983 but did not help make it; Defense Ex. 4 is the composite – it looks like the person who hit Wilson; none of the three guys were Sammy Mitchell; didn't see Mitchell that night</p> <p>Came forward with info in order to get bond; was released on bond; did NC prison time starting around Dec. 1983</p>	Defense Exhibit 4 – composite sketch (included in brief on page 50).
834 -835	After talking with PI Burns, police came to talk to him later that day for about five hours; gave statement to police around 4:00 a.m.; officers told him if he testified he would be perjuring himself because they said the statement to Burns was a lie and that he could be convicted and spend ten more years in prison.	
836-837	<p>Statement to police was given under duress because he gave it 6 hours after normal lights out; the statement to police doesn't change the statement to Burns.</p> <p>The discrepancy in the statements is the difference between a brick or rock and possibly how far he was from the attack; no discrepancy that he saw the crime in progress; 100% recognized the people and maintain those three committed the crime; no one from W-S contacted him before Les Burns talked to him.</p>	
838-841	Ford reads Def. Ex. 5 , his statement to Burns.	Defense Exhibit 5 – Ford's Statement to PI Les Burns (included in brief on pages 479-481).
841-843	Ford points out on State's Ex. 3 where he walked.	State's Exhibit 3 – enlarged photograph. This appears to be an aerial photo. The aerial photos obtained by the Commission are included in the brief at 661-662.
844-845	Ford spoke with Les Burns again since first trial and with McCoy and Hicks from WSPD about two weeks ago; they showed him photo lineup, told him he was lying, said they did not want him to testify and that he would perjure himself; he recognized photos in the lineup that corresponded with names he gave in 1983.	

Page #	Description	Exhibit
846	Det. Hicks asked that if Mitchell was acquitted would Ford be a State's witness in the prosecution of the real murderers; he said yes.	

Cross Examination

Page #	Description	Exhibit
847-848	Cross examination on time in prison and drug habit.	
849-850	Ford was on his way to buy cocaine at Al Barnhill's house; drugs were for Madeline Lewis.	
851-854	<p>He was at Curtis Minor's house on 19th street that day doing renovations for it to be a drink house; no one was drinking or drugging during the renovation work; the house opened that night and people were buying drugs and liquor from other houses.</p> <p>Ford had no drugs or liquor the evening of September 16.</p> <p>Experimented with drugs; armed robbery conviction wasn't to buy drugs.</p>	
856-857	Ford was buying the drugs for Madeline Lewis; recognized the three guys – younger than him, saw them around the neighborhood playing basketball; knew one name and the last name of another; did not speak to them.	
858-861	Ford saw one person walking up Claremont when he saw the 3 guys on his way to Locust St.; bought from a guy at Al's house; not a regular but bought there before; took five to ten minutes to buy five dime bags packaged separately.	
862-865	<p>The person he saw, which he assumes was Wilson, was staggering and moving slowly; recognized the set-up of people waiting for a drunk person to emerge from a liquor house.</p> <p>He saw no one else out there but the victim and assailants (no car); a right-handed person it the V on the left side of his head while they faced each other; wound is on the back part of V' head.</p>	
866-868	The brick Wilson was hit with was a "mortar brick" as opposed to a "masonry brick".	

Page #	Description	Exhibit
869-870	The brick was about ten inches across and looked like it weighed 10-12 pounds, looked like waste mortar.	
871	The assailant was face to face with victim when he hit the victim.	
872-873	Ford estimates Wilson to be 5'10" and approx. 150-160 pounds; Wilson went down immediately when hit and the other two guys went through his pockets and socks and he thinks they took his watch; assailants were rushing, took something from his pockets, the victim was unconscious.	
874	Ford assumed the victim would be okay because he moaned and showed signs of life; he was on his back; Ford saw no blood; Ford had no drugs or alcohol in his system; did not try to help the victim; stood over him for less than 1 minute.	
875-878	Ford saw the assault from 20-30 yards away; was on scene for 3-4 minutes total and did not see any other people or cars; was not there when ambulance came; does not know what happened to rock that was used to hit V; assailant dropped rock beside V; it is not in the photo.	
879-881	<p>Did not see anyone take the rock away; walked back to drink house and delivered cocaine to Madeline Lewis; she left and came back (around 3-4 a.m.) and said someone was killed at 18th and Claremont; Ford did not use any of the cocaine.</p> <p>When Lewis said that, Ford told her what he saw; did not go down and talk to police, did not want to get involved.</p>	
882	Ford was arrested for B&E and had word from the street that police were looking for him because they heard he had info on the murder.	
883	When Ford told Lewis he saw the crime, Wilson's son or stepson was beside him at the drink house and so mad that Ford would not say who did it; the next morning Ford heard police were looking for him and so was the son of the victim, who wanted to shoot Ford.	
884-885	In October 1983, after being arrested, Ford contacted Det. Belton; Belton gave him a rights waiver form which he signed; he was in custody, but talked to Belton at City Hall, across from the jail; also talked to Wilkins.	

Page #	Description	Exhibit
886-888	Ford told his attorney he talked to detectives; after being released on bond he gave names; was not out long before back in trouble; pled to B&E, assault was never tried.	
889-891	Next, Ford heard was when he saw article in Charlotte paper about Hunt on appeal in Sykes and also charged in this case; Ford never saw Hunt with Mitchell. Ford told his mother the night after the attack that he saw it.	
892-893	Before his arrest, he was preparing to be a state's witness for DA Tisdale in another case; Tisdale knew he had names of assailants of Wilson; called Belton because he thought it was the right thing to do; Belton and Wilkins made the deal for him to get out on bond; did not give written or recorded statement.	
894-898	Belton contacted the DA's office and offered to let him out; Ford gave the name Wright to Belton (can't remember first name); also gave the name Chuck Simmons; can't recall the third name. Saw article in paper; new Wilson by Holiday; called his mother and Larry Little when he saw article; talked to Little twice; Little was a friend of Ford's.	
899-902	Ford knew Colin Spurgeon on Hunt Defense Fund, but did not call him. After calling Little, the next time Ford spoke with anyone about the case was PI Les Burns; Burns is the one who wrote the statement Ford signed; Ford dictated it.	
903-905	Reads statement that he wrote when talking to police that night that says the statement to Burns was 50-75% true and he wished to "have it withdrawn as submitted."	
906-907	Ford spoke to news outlets and told the Chronicle "I feel the District Attorney, Don Tisdale, has a personal score to settle in this case. I feel like Mitchell was not the one Tisdale wants. I feel Tisdale wants Hunt and he has to get Mitchell to get Hunt. Tisdale is conspiring to convict Mitchell in order to settle a personal vendetta against Hunt. I feel Tisdale wants to convict Hunt before he leaves office."	
908	Ford says he is misquoted when the paper says he said "I'm the one in '83 who actually saw the murder. Tisdale was nowhere	

Page #	Description	Exhibit
	<p>to be found. Their, the prosecution's, credibility is no better than mine."</p> <p>Channel 8 in High Point asked Ford's mother to have him contact them.</p>	
909	Ford is not seeking notoriety or to be a hero, just to make his statement known so the jury knows what he told Belton in 1983 so Mitchell gets a fair trial.	

Redirect Examination

Page #	Description	Exhibit
909-911	<p>The statement Ford read that he gave to Officers Spillman and Weavil on 9/10/86 is marked State's Exhibit 23; he gave it after four hours of questioning sometime around 4:00 a.m.</p> <p>The 50-75% correct phrase references timing and distance; there is no doubt he saw the attack on Wilson and the identity of the people he saw do it.</p> <p>In October 1983, Ford talked to Belton and Wilkins and his attorney about this – 2 to 3 weeks after the crime.</p>	State's Exhibit 23 – Statement from Ford (read into evidence at pages 903-905 above)

1 All of this will be presented to you in the form of
2 defense testimony and it will come from that stand and we
3 only ask that you listen as attentatively as you did the
4 prosecution side giving Mr. Mitchell a full and fair trial.

5 Thank you.

6 THE COURT: All right, call your first witness.

7 MR. BOYLES: Mr. Ford.

8 (A witness is duly sworn.)
9

10 JAMES ROBERT FORD, having been duly sworn to state
11 only the truth, testified on his oath as follows during:

12 DIRECT EXAMINATION BY MR. BOYLES:

13 Q. State your name, please.

14 A. My name is James Robert Ford.

15 Q. Mr. Ford, where are you presently located?

16 A. I'm presently located at Goodman Correctional
17 Institution in Columbia, South Carolina.

18 Q. Is that prison system in South Carolina?

19 A. Yes, that's within the Department of Correction.

20 Q. Why are you there?

21 A. Well, I'm there for violation of parole.

22 Q. The parole was given for what charge?

23 A. Armed robbery, 1971.

24 Q. And when you -- how long have you got left to serve
25 on that sentence?

1 A. I have approximately four months left.

2 Q. So sometime after the first of the year, you'll be
3 released from this sentence --

4 A. Yes, sir.

5 Q. -- having served it fully?

6 A. Yes, sir.

7 Q. And you were out on parole, is that correct?

8 A. Yes, sir.

9 Q. And when you were out on parole, where did you come
10 to?

11 A. I came home, to Winston-Salem, North Carolina.

12 Q. So Winston-Salem is your home?

13 A. Yes, sir.

14 Q. Where did you live when you were in Winston-Salem?

15 A. On 937 East 21st Street.

16 Q. Now, are you at Goodman involved in any activities
17 there in the Goodman Institute?

18 A. Yes, I am.

19 Q. And what are those activities?

20 A. Well, I have a job. I work for the Richland County
21 litter control program. We go out on a daily basis and, you
22 know, pick up paper on the side of the road and clean up
23 their litter, dump sites and stuff like that. Just last
24 week, we --

25 Q. All right, now, what other activities are you

1 involved in in prison itself?

2 A. I'm also involved in a Narcotics Anonymous and I
3 realize I have a drug problem and I need to deal with my
4 drug problem, so I got into that program.

5 Q. How long have you been involved in that?

6 A. Well, I've been involved in that since my return to
7 prison and violation of parole.

8 Q. And when was that?

9 A. Last year, December.

10 Q. December of '85?

11 A. Yes.

12 Q. Are you connected all the prison newspaper in any
13 way?

14 A. Yes, I'm also a correspondent for the prison
15 newspaper.

16 Q. Now, being in Goodman Correctional Institute in South
17 Carolina, did you have occasion to know about this
18 particular trial?

19 A. Yes. I was doing a little research in the library,
20 and I noticed the Charlotte Observer newspaper at the time
21 and I read the Charlotte newspaper. And in that paper,
22 there was a article about Darryl Hunt and the Deborah Sykes
23 case. So I was interested in that because it's from my home
24 town. So I read the article and I came up to the point
25 where it stated that Darryl was also -- Darryl, Sammy, and

1 Drayton were being charged with the murder of Mr. Arthur
2 Wilson.

3 Q. When you read that, what did you do?

4 A. Well, I thought -- I thought that, you know,
5 something is wrong. Something is taking place that is
6 terrible wrong because I knew, you know, that I had
7 submitted some information concerning this murder to the
8 Winston-Salem Police Department weeks after it happened.

9 Q. All right. Now, going back to when it happened, how
10 did you know what had happened?

11 A. Because I saw what happened. And I realized, you
12 know, after I read the article, that Sammy Mitchell and
13 Darryl Hunt and the other guy wasn't involved; Drayton
14 wasn't involved.

15 Q. Take us back to the night it happened and in your own
16 words, describe what you saw.

17 A. Well, I was walking up 18th Street approaching
18 Claremont and I was going through a pathway as means of a
19 short cut to Locust Street, the street over from 18th and
20 Claremont at the intersection. And as I was approaching the
21 path, I noticed three guys standing in the darkness and I
22 made note of them because I had money on me. I didn't want
23 to get robbed. And I approached them and went on past. You
24 know, I made note of them and went on past. I didn't want
25 to --

- 1 Q. Where were you going?
- 2 A. I was going to a friend of mine's house on the next
3 street.
- 4 Q. Okay. Prior to that time that day, had you had
5 anything to drink?
- 6 A. No, I hadn't had anything to drink.
- 7 Q. Had you had any drugs?
- 8 A. No.
- 9 Q. All right. Now, tell us about the friend's house
10 that you were going to.
- 11 A. Well, I was going to buy some drugs. I was going to
12 buy cocaine at a friend's house on the next street over.
- 13 Q. Is that why you had the money on you?
- 14 A. Yes.
- 15 Q. Did you go on to the house and buy the drugs?
- 16 A. Yes.
- 17 Q. Did you take any of the drugs?
- 18 A. No, sir.
- 19 Q. All right. What happened then?
- 20 A. Well, I came back through the same path and as I was
21 coming through, I noticed three guys attacking Mr. Smith. I
22 found out later that's his name. I found --
- 23 Q. Now, you said a Mr. Smith. Did you know a man by the
24 name of Holiday?
- 25 A. Yes. Yes. Yes. That's what -- I knew him as

1 Holiday.

2 Q. You said that you saw three men attacking him, is
3 that correct?

4 A. Yes.

5 Q. And state whether or not these were the same three
6 individuals you had seen on your way through there to begin
7 with.

8 A. Yes, these are definitely the same three individuals
9 I saw on my way through.

10 Q. All right. Hand you an exhibit marked State's
11 Exhibit number one and ask you if you can recognize that
12 individual.

13 A. Yes, this is Mr. Holiday.

14 Q. All right. And did you see him in that condition?

15 A. I saw him in that condition, but the pillow wasn't
16 there and the gauze, you know, and stuff like that. And
17 shirt wasn't open.

18 Q. But that is the same individual you saw that night?

19 A. Yes.

20 Q. What happened next?

21 A. Well, the attack that was occurring delayed my
22 approach on through to 18th Street. So I stood there and
23 watched it until it was completed. And --

24 Q. Did the individuals leave at that time?

25 A. Yes, they ran down the street.

1 Q. All right, what did you do then?

2 A. Well, after they left, I walked up to the victim,
3 looked down at him. I was showing concern, that, you
4 know, maybe he was seriously hurt. So I saw life in him. I
5 saw him moaning, and I felt like he was just drunk and
6 unconscious. I saw no blood, so I just left. I thought
7 maybe he would be able to get up on his own, eventually.

8 Q. Okay. Now, at that time, did you tell anybody about
9 what you had seen?

10 A. Well, I went back the where I had left from. And --

11 Q. But you didn't tell any police officer or anything
12 like that that particular evening, did you?

13 A. No, sir.

14 Q. Now, sometime after that, September 17th of 1983,
15 were you arrested?

16 A. Oh, yes.

17 Q. And what were you arrested for?

18 A. Well, I was arrested for B and E, breaking and
19 entering.

20 Q. And were you appointed an attorney to represent you?

21 A. Yes.

22 Q. And who was that attorney?

23 A. Mr. Banister Browder.

24 Q. And is that this gentleman sitting over here against
25 the wall?

1 A. Yes, it is.

2 Q. Now, when you saw what happened, did you see any of
3 the three individuals with any object in their hand?

4 A. Well, yes. I saw one of the individuals with a
5 brick.

6 Q. A brick? What do you mean by a brick?

7 A. A mortar brick, with little small rocks in it. Looks
8 as if it was formulated through somebody making mortar and
9 rocks got into the mortar and it was cast off as being waste
10 mortar.

11 Q. And did you see that being used in the assault?

12 A. Yes.

13 Q. And did you see which of the three individuals was
14 using that particular --

15 A. Yes.

16 Q. -- object to assault Mr. Wilson with?

17 A. Yes.

18 Q. Okay. Now, after you were arrested, were you placed
19 in custody?

20 A. Yes, I was placed in the Winston-Salem Forsyth County
21 Jail.

22 Q. And in your conversations with Mr. Browder, did you
23 have occasion to give him any information concerning this
24 particular night?

25 A. Well, I told him that I had spoken with detectives

1 from the Winston-Salem Police Department about the murder.
2 I told him that I had given two officers information
3 concerning that murder in exchange for a release on bond.

4 Q. And were you released on bond?

5 A. Yes.

6 Q. And did you at any time request Mr. Browder to
7 contact the officers?

8 A. Well, the deal -- I'm going to ask you a question --
9 but the deal was to get out on bond and obtain the names of
10 the individuals that I saw that night participating in the
11 murder.

12 I did that. I got the names of the individuals that
13 I saw and their address. After I did that, I submitted one
14 name myself to Detective Belton of the Winston-Salem Police
15 Department and the other two names I submitted to my lawyer,
16 Mr. Banister Browder, for him to forward to either Detective
17 Belton or Wilkins of the Winston-Salem Police Department or
18 the DA's office.

19 Q. Did you request Mr. Browder to do that for you?

20 A. Yes, sir.

21 Q. Okay. Now, you mentioned Officer Belton. Is this
22 the gentleman on the far end down here?

23 A. Yes, sir.

24 Q. And you mentioned Detective Wilkins. Is the second
25 gentleman here on this end?

1 A. Yes, sir.

2 Q. And do you recall when you talked with Officer
3 Belton? Do you remember what month it was?

4 A. It was in October.

5 Q. Of what year?

6 A. 1983.

7 Q. When you were in prison in South Carolina, you found
8 out about Sammy Mitchell being on trial, did you make any
9 contact with anybody up here at that time?

10 A. Yes, I did. I realized that --

11 Q. No. Answer the question. You made contact with
12 somebody?

13 A. Yes.

14 Q. Who did you contact up here?

15 A. I contacted Larry Little.

16 Q. All right. And as a result of that contact, were you
17 visited by a private investigator by the name of Les Burns?

18 A. Yes.

19 Q. And was that in South Carolina?

20 A. Yes.

21 Q. And as a result of your conversation with Mr. Burns,
22 did he write out a statement for you to sign?

23 A. Yes.

24 MR. BOYLES: Approach the witness, Your Honor?

25 THE COURT: Yes, sir.

1 Q. Mr. Ford, I'll hand you what has previously been
2 identified as Defendant's Exhibit number five entitled
3 statement, dated September 9th, 1986. I'll ask you to
4 review that and tell me if that was your signature at the
5 end of that statement

6 A. Yes, it is.

7 Q. As a result of the contact that you had with Mr.
8 Little in getting the statement to Mr. Burns, you were
9 transported up here to give testimony in this trial, is that
10 correct?

11 A. Yes, I was.

12 Q. Were you promised any reward or any leniency to come
13 up here and testify?

14 A. No, sir, I wasn't promised anything. I came forth
15 with this information because I know its value is very
16 important in this case.

17 Q. The statement that you gave to Mr. Burns on September
18 9th, 1986, was that voluntary on your part?

19 A. Yes, sir.

20 Q. Had anyone previously discussed with you the details
21 of the crime before you gave this statement to Mr. Burns?

22 A. No, sir. Not in detail as is in that particular
23 statement. I spoke generally with Larry about the case.

24 Q. Do you know Sammy Mitchell?

25 A. Yes.

1 Q. How do you know him?

2 A. Well, we attended the same junior high school.

3 Q. And about how long ago was that, Mr. Ford?

4 A. I think approximately 1966, '67 at Kennedy Junior
5 High School.

6 Q. In 1983, were you close friends with Mr. Mitchell?

7 A. No, sir.

8 Q. Did you associate with him on any regular basis?

9 A. No, sir.

10 Q. Do you know Darryl Hunt?

11 A. No, sir.

12 Q. In 1983, did you associate with anyone known as
13 Darryl Hunt?

14 A. No, sir.

15 Q. After you gave the -- strike that --

16 (Mr. Boyles and Mr. Bedsworth confer.)

17 Q. When you saw the individual, on the night this
18 happened, strike Mr. Wilson with what you termed a brick, do
19 you know how many times Mr. Wilson was hit?

20 A. Only once.

21 Q. Do you recognize those three individuals again that
22 you saw?

23 A. Yes.

24 Q. When you were talking with Officer Belton and Officer
25 Wilkins back in October of 1983, were you shown a composite

1 photograph of suspect?

2 A. Yes, I was.

3 Q. Did you participate in any way in formulating this
4 composite?

5 A. No, I didn't.

6 MR. BOYLES: Approach the witness, Your Honor?

7 Q. Mr. Ford, I'll hand you a document marked Defendant's
8 Exhibit number four which is entitled at the top "wanted"
9 and ask you if that is a copy of the composite that you saw.

10 A. Yes, this is the same composite. It wasn't on this
11 particular paper. It was the original composite and done a
12 by the police artist.

13 Q. But this is the original copy of that that you saw?

14 A. Yes.

15 Q. And when you talked with the officers back in 1983,
16 did you identify this composite photograph for them?

17 A. Yes, I told them that in 1983, that that composite
18 looked more -- it was close to the description of the person
19 that attacked Mr. Wilson.

20 Q. The one that actually had the brick?

21 A. Yes.

22 Q. Mr. Ford, had you seen the attack on Mr. Wilson
23 saying you recognized those three individuals, were any of
24 the three individuals you saw that night Sammy Mitchell?

25 A. No, sir.

1 Q. Had it been Sammy Mitchell, do you think you would
2 have recognized him?

3 A. Without a doubt.

4 Q. Did you see Sammy Mitchell anywhere in that area that
5 night?

6 A. No, I didn't see Sammy Mitchell at all that night.

7 Q. I believe you testified that you gave the names to
8 the police department back in 1983 to work out some kind of
9 deal with the charges that were against you here then?

10 A. Well, it wasn't a deal for the charges. It was
11 mainly a deal to get out on bond.

12 Q. And you were released on bond?

13 A. Yes. I was released on bond in exchange for
14 information about the murder. I lived up to my bargain.
15 And I heard no more about the case until I read about it in
16 1986, this past summer.

17 (Mr. Boyles and Mr. Bedsworth confer.)

18 Q. Now, as a result of the charges that were against
19 you, did you have to serve some time in North Carolina?

20 A. Not for -- well, not for the particular charges that
21 I got out on bond for, the police department let me out on
22 bond for. But I did do time in North Carolina for other
23 charges.

24 Q. And do you recall approximately when you started that
25 time?

1 A. December of '83, approximately December, '83.

2 Q. And I believe you already testified that you went
3 back to South Carolina to complete the serving of the armed
4 robbery sentence in December of '85, is that correct?

5 A. Yes.

6 Q. After you gave the statement to Private Investigator
7 Burns that we've just referred to, did you have occasion to
8 talk with some police officers from Winston-Salem?

9 A. Oh, yes. I spoke with two officers from the
10 Winston-Salem Police Department the same day, later on in
11 the evening.

12 Q. You talking about the same day as the day you gave
13 Mr. Burns the statement?

14 A. Yes. When Mr. Burns came down to see me, he told me
15 that he was coming to interview me for the purpose of
16 obtaining information that I had given Larry relating to
17 this particular trial.

18 Q. And the officers came sometime later that day?

19 A. Yes. They came approximately nine o'clock that
20 evening, nine o'clock PM. Mr. Burns was down about ten --
21 about eight o'clock AM.

22 Q. All right. How long did you spend with the officers
23 that came down that night?

24 A. Well, we spent about five hours together, totally.

25 Q. And during that period of time, did you give a

1 statement to those officers as well?

2 A. Yes, I gave a statement.

3 Q. Do you recall about what time you gave that
4 statement?

5 A. It was four o'clock in the morning.

6 Q. And was that a written statement as well?

7 A. Yes, it was a written statement.

8 Q. And you had been talking to them for how long up
9 until that time?

10 A. About four hours.

11 Q. Did either of these officers say anything to you
12 about your testimony here in this trial?

13 A. Yes, they spoke with me about my testimony.

14 Q. What did they say to you?

15 A. They said that if I testified in this county -- this
16 trial, that I would be perjuring myself because I am lying;
17 that that statement that I submitted to Mr. Burns, the
18 private investigator, was a lie; and that if I testify and
19 that Mitchell is convicted, that I would be convicted of
20 perjury. They said a lot --

21 Q. Did they say if you were convicted of perjury, that
22 you would serve more time?

23 A. Yes, they told me I would serve ten years in the
24 penitentiary. After I finished up in South Carolina, I
25 would have to come here and continue to do more time. If I

1 came to testify.

2 Q. In spite of that, you still came in voluntarily to
3 testify?

4 A. Yes, sir.

5 Q. Are you lying now?

6 A. No, sir.

7 Q. The statement that you gave to the police officers
8 that night, do you feel that that statement was given under
9 duress?

10 A. It was given under duress.

11 Q. Had you had any sleep up until that time?

12 A. No, sir.

13 Q. What time do you generally go to bed down there at
14 Goodman Correctional?

15 A. Lights out at ten o'clock.

16 Q. The statement that you gave to them, does that change
17 the statement that you gave to Detective Burns?

18 A. No, it doesn't change the statement.

19 Q. What's different in the two statements?

20 A. The difference in the two statements is that I am
21 showing the ability to make a mistake in terms of being
22 accurate. I mean -- you know, there is four sides to
23 everything. Sometimes we don't always want to admit there
24 is four sides or maybe more than four sides.

25 Q. The statement that you gave to the officer, how does

1 that change this statement?

2 A. It doesn't change that statement at all. I'm only
3 being philosophical about accuracies, the truth --

4 Q. Such as what?

5 A. Such as the description of a brick and a rock, and
6 maybe the description of how far in distance I was from the
7 attack when it occurred that night. And the discrepancy of
8 maybe the time it occurred.

9 Q. Is there any discrepancy between the two statements
10 that the fact you saw the crime committed?

11 A. No, sir.

12 Q. Or that you saw who committed the crime?

13 A. No, sir, there is no discrepancy in that. There is no
14 discrepancy that I can identify the people that participated
15 in the attack. I one hundred percent recognized them and
16 one hundred percent maintain that those individuals are the
17 ones who attacked Mr. Wilson that night.

18 Q. Prior to the time that Mr. Burns came down to see
19 you, the private investigator that took this statement,
20 prior to that time, had anyone from Winston-Salem contacted
21 you regarding Sammy Mitchell or his case?

22 A. No, sir.

23 Q. Can you read, Mr. Ford?

24 A. Yes.

25 MR. BOYLES: Approach the witness, Your Honor?

1 Q. This is Defendant's Exhibit number five that you
2 previously identified as your statement. Tell me if you can
3 read that or if you prefer that I read it.

4 A. I can read it.

5 Q. Okay. If you would, read that statement, please.

6 A. "My name is James Robert Ford, Junior. I am
7 currently at Goodman Correctional Institution in Columbia,
8 South Carolina. I am giving this statement to Les Burns who
9 has informed me he is a private investigator working for
10 Charlotte Attorney James E. Ferguson, the second. I am
11 giving this statement voluntarily and without promise of
12 reward or and without any threat being made against me. It
13 is my understanding that -- it is my understanding that
14 James E. Ferguson is the attorney representing Darryl Hunt
15 in the charges against him involving the death of Arthur
16 Wilson.

17 "I am a witness to the murder of Arthur Wilson. On
18 the night that he was killed, I was at the corner of 18th
19 and Claremont in Winston-Salem North Carolina. I believe it
20 was around one o'clock or two o'clock in the morning. I saw
21 three guys at this intersection. One guy was standing next
22 to the white store on the corner. The truck was parked in
23 front of the store and the other two guys were standing
24 there. I walked past them going to the next street from
25 Claremont. I visited a house on the street one block over

1 from Claremont and stayed five to ten minutes. I went back
2 the same way and while I was on the path approaching
3 Claremont, I saw the same three guys robbing a man. One of
4 the men used a brick to hit the man in the head. The other
5 two guys went through his pockets. One took his watch.

6 "They ran down Claremont toward 17th Street. I seen
7 these three guys, three men before on a daily basis. One
8 was approximately five eleven, dark complexion, and weighed
9 one hundred 50 to one hundred 60 pounds. He was slender in
10 appearance and wore his hair close cut with a part in the
11 left side. He had a -- he had on jeans, tennis shoes and a
12 regular shirt. He's the one that hit the man with the
13 brick. He looked to be 19 or 20 years old. The second guy
14 was heavy set, about five eight, brown complexion, had curls
15 in his hair. Wore jeans and tennis shoes and a regular
16 shirt. The third guy which is the brother or cousin to the
17 second guy lived in the same house was approximately five
18 six or five seven. Weighed about one hundred 50 pounds.
19 Wore jeans and tennis shoes. A red and white jogging top.
20 His hair was close cut.

21 "I know Sammy Mitchell and Darryl Hunt. I know -- I
22 have known Sammy Mitchell since 1966 or '67. I have known
23 Darryl Hunt since '83. I don't think I know Merritt Drayton
24 or Merritt Williams. I might know him by face or nickname.
25 Sammy Mitchell and Darryl Hunt were definitely not the men I

1 saw attack the man on that night. I did not see Darryl Hunt
2 or Sammy Mitchell that night. I had not been to Ezelle's
3 drink house that night, so I do not know if Sammy Mitchell
4 or Darryl Hunt were at his drink house or not.

5 "The attack on the man happened on Claremont at
6 approximately 20 yards from the church which is located
7 about 50 yards from 18th Street. It was under the street
8 light and I didn't have any problem seeing that night.
9 After the attack, I walked directly up to the man and looked
10 down at him. I saw that he was still alive and felt that he
11 would be able to get up, so I just left.

12 "Later on that same day, I found out the man was the
13 father or stepfather of one of the men that I had associated
14 with. I don't recall if I heard the man's name or not.

15 "I did not see a car at the scene that night.
16 However, it is possible that a car could have been coming up
17 from 17th Street.

18 "A few weeks after -- a few weeks after that, I spoke
19 with a detective from the Winston-Salem Police Department.
20 I think his name is Belton. He is a black officer. He told
21 me a man had witnessed the three guys running away and that
22 the man ran after them. He said this guy was driving by in
23 a blue car and his girl friend was in the car with him. I
24 know I did not see this man drive by and he didn't drive by
25 me. Maybe he came up from 17th Street; but whatever he did,

1 I didn't see him or his girl friend.

2 "Belton showed me a composite sketch of one of the
3 suspects that the man in the blue car had described to the
4 police. A composite sketch fit the description of the guy
5 that hit the man with the brick.

6 "I have read this statement and I swear it is true,
7 so help me God. James Robert Ford."

8 Q. All right, Mr. Ford, if you would step down here,
9 please, sir.

10 Again, ladies and gentlemen, if you can't see this,
11 please let me know.

12 Now, do you recognize this enlargement photograph
13 which is labeled State's Exhibit number three?

14 A. Yes, sir.

15 Q. Now, this is 1816 down here. This is shown as 18th
16 Street, is that correct?

17 A. Yes.

18 Q. And Claremont?

19 A. Yes.

20 Q. Okay. Describe for us as you went across this way
21 the first time, which way you were going.

22 A. Okay. I was approaching Claremont on 18th Street
23 right here. Walking.

24 Q. All right.

25 A. I walked up here. As I approached here, I saw the

1 three guys at a store. There is a white store right behind
2 this tree.

3 Q. All right.

4 A. There usually is a truck, gas truck parked right in
5 front of the truck, or oil truck. I came on across and this
6 is when I made note of those guys standing in the darkness.
7 I didn't speak, so I just walked on through. And it's a
8 path right here as you pass this store. This is the path.

9 Q. Are you referring to this line going through here?

10 A. Yes, this line through here.

11 Q. All right.

12 A. There is a path that I took on my approach to Locust,
13 right here.

14 Q. All right. Now, as you came back through, did you
15 follow this same path back?

16 A. Yes.

17 Q. All right, tell us --

18 A. I went to this house.

19 Q. Okay.

20 A. I took this path to this house here. The path go
21 behind the house. I didn't go that way. And it goes beside
22 the house. I went beside the house.

23 Q. Okay, come on back to the stand, now.

24 A. Okay, I went to that house. I came back the same
25 way. Same way.

1 Q. Okay. Now, where were you when you saw the attack?

2 A. I was right here in front of this store which is
3 behind the tree.

4 Q. And where did you see the attack take place?

5 A. The attack took place right here.

6 MR. BOYLES: Can you all see that with the glare?

7 A. The attack took place right there.

8 Q. Is not -- it's your testimony then you stayed in that
9 area until the attack completed?

10 A. Yes, the attack delayed me. I stood there.

11 Q. After you went to see Holiday, the man in the street
12 that was hurt, which way did you leave to go on?

13 A. He was there, I walked there, looked at him, felt
14 that he would be all right and went back the same way, down
15 18th Street.

16 Q. All right. And when the individuals left, after they
17 left him, which way did they go?

18 A. They went this way.

19 Q. All right.

20 (The witness returns to the witness stand.)

21 Q. Since your testimony in this first trial about a
22 month ago, have you had occasion to talk with anyone else
23 representing Sammy Mitchell?

24 A. Yes. Representing Sammy Mitchell?

25 Q. Representing Sammy Mitchell.

- 1 A. Well, I spoke with Les again.
- 2 Q. All right. Have you had occasion to talk with any
3 additional police officers?
- 4 A. Yes. I spoke with Sergeant McCoy and Officer Hicks
5 from the Winston-Salem Police Department.
- 6 Q. Now, Sergeant McCoy sitting next to this gentleman
7 you've already referred to as Mr. Belton?
- 8 A. Yes.
- 9 Q. And Miss Hicks is sitting beside him?
- 10 A. Yes.
- 11 Q. When did you talk to them?
- 12 A. I don't remember the exact date. I think two weeks
13 ago.
- 14 Q. Approximately two weeks ago?
- 15 A. Yes.
- 16 Q. And was that at Goodman Correctional Institute?
- 17 A. Yes, that was at Goodman.
- 18 Q. And during that conference with Detective Hicks and
19 McCoy, did they have occasion to show you some photographs?
- 20 A. Yes, they showed me a photo line-up.
- 21 Q. What did they first tell you that they were coming
22 down there for, when they first came in to see you?
- 23 A. Well, they told me that they had read article in the
24 Chronicle, Winston-Salem Chronicle, newspaper, in reference
25 to my knowing the actual murderers -- the actual murderers

1 of Mr. Wilson and that I was willing to give their identity
2 in court. They told me that they were there for that
3 particular reason. And they carried on conversation that
4 was unrelated to my identifying --

5 Q. What did they tell you?

6 A. Well, they told me that -- right off the bat, they
7 told me I was lying, you know. Right off. From --

8 Q. Did they tell you anything about coming up here and
9 testifying?

10 A. Yes. They didn't want me to testify.

11 Q. Did they tell you that?

12 A. Yes, they told me that.

13 Q. All right.

14 A. They told me they didn't want me to testify. They
15 told me that I would perjure myself, you know, if I
16 testified; and that if I testify, something bad might happen
17 to me.

18 Q. All right. Now, did they ever show you the
19 photographs?

20 A. After we talked for about an hour and a half, then
21 they brought the photographs out.

22 Q. And from those photographs, did you recognize any of
23 the individuals?

24 A. Yes, I recognized the individual that participated in
25 the murder. They corresponded with the names that I

1 submitted in 1983.

2 Q. All right.

3 (Mr. Boyles and Mr. Bedsworth confer.)

4 (Mr. Boyles confers with Mr. Mitchell.)

5 Q. Did Mrs. -- Miss Hicks have a conversation with you
6 when she was down there concerning any cooperation that you
7 might give them, depending on the outcome of this case?

8 A. Yes, Miss Hicks was very rude in the beginning.

9 Q. What did he she say to you?

10 A. Well, first of all, when I walked in the office, we
11 were at Goodman and we off a little small office to use.

12 Q. Mr. Ford, my question is: Did Mrs. Hicks say
13 anything to you concerning your cooperation with the police
14 department depending on the outcome of this case?

15 A. Yes.

16 Q. What did she say?

17 A. She asked me, you know, after a while, would I
18 testify in the event that Sammy Mitchell was found innocent
19 or is acquitted for them, you know, would I testify for the
20 State in prosecuting the real murderers.

21 Q. And what was your answer?

22 A. I told her yeah.

23 MR. BOYLES: Your witness.

24 THE COURT: All right, Mr. Walker

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CROSS EXAMINATION BY MR. WALKER:

Q. Mr. Ford, your observation of this incident on September 17th, 1983, occurred during one of the three intervals in the last 20 years when you haven't been in prison, is that correct?

A. I didn't understand the question.

Q. You weren't in prison in September of 1983?

A. No.

Q. How long had you been out at that time?

A. Maybe a year and a half.

Q. Year and a half?

A. Yes.

Q. All right. Now you were convicted in, was it Aiken, South Carolina?

A. Aiken, South Carolina.

Q. In 1971 of armed robbery?

A. Yes, sir.

Q. How old were you at that time?

A. I was 18 years old.

Q. You had been convicted of minor offenses in North Carolina prior to that time, had you not? Assault, things like that?

A. Yes.

Q. You received what sentence?

1 A. I received a 21 year sentence.

2 Q. How long were you incarcerated before you were
3 paroled?

4 A. I was incarcerated for seven years, in maximum
5 security.

6 Q. You got out in 1977 sometime?

7 A. 1978.

8 Q. Excuse me. March of '78?

9 A. Yes.

10 Q. And how long did you remain out before you went back
11 to prison?

12 A. Two years, approximately two years.

13 Q. And in 1980, you were convicted of larceny, received
14 a sentence and then your parole was revoked?

15 A. Yes, sir.

16 Q. When were you released from that sentence? June of
17 1981? Does that sound right?

18 A. Yes, sir, I think that is accurate.

19 Q. So it was during the period of that release that you
20 again came back to Winston-Salem and witnessed this
21 incident, is that correct?

22 A. During that time, during the course of the time that
23 I was out, yes.

24 Q. All right. Now, in 1983, did you have a drug problem
25 then?

- 1 A. Yes, I dipped and dabbed in drugs.
- 2 Q. Were you working during that time?
- 3 A. No, I wasn't working at that time.
- 4 Q. How were you supporting your drug habit?
- 5 A. Well, I was doing landscaping work and doing odd jobs
- 6 in the community that people needed done around their houses
- 7 as far as cutting their grass and cutting vacant lots and
- 8 stuff like that, painting.
- 9 Q. What sort of drugs were you using on a regular basis?
- 10 A. Well, I use cocaine.
- 11 Q. Did you ever use heroin?
- 12 A. No, sir.
- 13 Q. You use cocaine with a needle?
- 14 A. Yes, sir.
- 15 Q. Now, on the night this happened, you say you were
- 16 walking down toward Locust Street?
- 17 A. No, sir, I was walking on 18th, approaching --
- 18 Q. Your destination was on Locust?
- 19 A. Yes.
- 20 Q. Where were you going?
- 21 A. I was going to buy cocaine.
- 22 Q. From whom?
- 23 A. A friend of mine.
- 24 Q. What's his name?
- 25 A. I was going to Al Barnhill's house.

- 1 Q. Al Barnhill?
- 2 A. Al Barnhill.
- 3 Q. And I believe you said you had some money with you?
- 4 A. I had fifty dollars at the time.
- 5 Q. Where did you get that money?
- 6 A. Working.
- 7 Q. Here?
- 8 A. Working.
- 9 Q. Your money?
- 10 A. Yes.
- 11 Q. And what were you going to buy with it?
- 12 A. I said drugs.
- 13 Q. Well, what kind?
- 14 A. Cocaine.
- 15 Q. Were the drugs for your use?
- 16 A. No.
- 17 Q. You were going to spend your money on it?
- 18 A. Yes.
- 19 Q. Who were you buying for?
- 20 A. A girl.
- 21 Q. What's her name?
- 22 A. Madeline Lewis.
- 23 Q. Had you been with Mrs. Lewis that evening?
- 24 A. Yes.
- 25 Q. Where?

1 A. Well, we were at -- in a house on 19th Street.

2 Q. What house?

3 A. Bill Daughthit's house. He was in an association
4 with Curtis Minor, and they were renovating the house and I
5 were doing work there.

6 Q. What sort of renovations?

7 A. Well, landscaping, carpentry, plumbing.

8 Q. Making it a home for someone to live in?

9 A. No.

10 Q. What was the purpose in the renovations going on?

11 A. I was told at the time it would be a combination of
12 recreation facility and drink house.

13 Q. Going to be a drink house, liquor house, right?

14 A. In other words, yes.

15 Q. And you were helping to get this place built for that
16 purpose, is that correct?

17 A. I was there for money. I was working for money. I
18 wasn't concerned about what it would be.

19 Q. You weren't concerned about it?

20 A. No.

21 Q. But you knew?

22 A. Yes, I knew. I was aware of it.

23 Q. And you knew that was a violation of the law for you
24 to be involved in that?

25 A. It wasn't a violation of the law to make money, to

1 work.

2 Q. It would have been a violation of the law for you to
3 possess any kind of drugs, wouldn't it?

4 A. Yes, I'm aware of that.

5 Q. A violation of the promise you made when you were
6 paroled that you wouldn't do that, isn't that correct?

7 A. Yes, I violated my parole.

8 Q. All right. Had you been at this house on 19th Street
9 all day long?

10 A. Yes. For quite a while.

11 Q. Anybody else there drinking?

12 A. At that time, no one was drinking.

13 Q. Was anybody else there using drugs?

14 A. During the time that we were doing work, no one was
15 using drugs.

16 Q. Did the house open that night?

17 A. --

18 Q. Curtis Minor's house?

19 A. Yes, it was open.

20 Q. So sometime before one or two o'clock in the morning,
21 people doing drugs there, is that right?

22 A. I saw no one doing drugs.

23 Q. Anybody buying drugs?

24 A. Yes.

25 Q. Buying liquor?

- 1 A. Yes.
- 2 Q. You were there the whole time?
- 3 A. They won't buying drugs at the house. They were
- 4 buying drugs from other houses.
- 5 Q. Were there drugs there at the house where you were?
- 6 A. No.
- 7 Q. No liquor?
- 8 A. No liquor.
- 9 Q. Were you drinking?
- 10 A. No.
- 11 Q. You've got an alcohol problem, don't you?
- 12 A. No.
- 13 Q. I thought you said you were a member of AA.
- 14 A. I said NA, narcotics anonymous.
- 15 Q. Were you drinking at that time?
- 16 A. No.
- 17 Q. You were a non-drinker?
- 18 A. Yes.
- 19 Q. So you had nothing to drink, no drugs at all on the
- 20 evening of September 16th. Is that your testimony under
- 21 oath?
- 22 A. That's right.
- 23 Q. A weekend.
- 24 A. Yes.
- 25 Q. You had a hundred dollars or fifty dollars or

1 whatever --

2 A. Fifty dollars.

3 Q. -- in your pocket that day and you didn't use any
4 narcotics?

5 A. No.

6 Q. Well, you were a junkie then, weren't you, Mr. Ford?

7 A. No.

8 Q. A user of drugs?

9 A. I wouldn't classify myself as a junkie.

10 Q. What's a junkie?

11 A. Well, it's different forms. Different definitions of
12 being a junkie.

13 Q. Tell me your definition.

14 A. I feel that a junkie is a person who has a severe
15 habit for --

16 Q. Is that different from a drug problem, as you you put
17 it, that caused you to be in narcotics anonymous?

18 A. I think I was more of a person experimenting with
19 drugs.

20 Q. You were experimenting in 1983?

21 A. Yes.

22 Q. Hadn't you been experimenting since the '60's?

23 A. No, I had never done drugs before 1980.

24 Q. That armed robbery wasn't getting money to buy drugs
25 in 1971?

1 A. No, it wasn't.

2 Q. Why did you do that?

3 MR. BEDSWORTH: Objection, Your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Should I answer?

6 THE COURT: Yes, sir.

7 Q. You may answer. Please do.

8 A. Well, it was for the purpose of money.

9 Q. I mean were you buying a house? You were using drugs
10 then, weren't you, Mr. Ford?

11 A. No, sir.

12 Q. All right. Let's go back to September 17th. Hadn't
13 used drugs but there were drugs available up there at Curtis
14 Minor's house, weren't there?

15 A. No, sir.

16 Q. There were not. Were there drugs available on 19th
17 Street?

18 A. No, sir.

19 Q. Where were the nearest drugs?

20 A. Al's house, Claremont.

21 Q. How many blocks was that away from where you were?

22 A. Three.

23 Q. Were you taking the most direct route there?

24 A. That was the closest route. Through the path. That
25 made it shorter.

1 Q. Did you leave Curtis Minor's house by yourself?

2 A. Yes, I did.

3 Q. Where was your girl friend?

4 A. I don't have a girl friend.

5 Q. I'm sorry, I must have misunderstood you. I thought
6 you were buying drugs for your girl friend.

7 A. A girl, Madeline Lewis. She was not my girl friend
8 in the strict definition of being a girl friend.

9 Q. Okay. Sorry if I mis-spoke that. You were buying
10 drugs for her, though, with your money?

11 A. Yes.

12 Q. Why?

13 A. Because she's done it for me.

14 Q. You weren't going to buy any for yourself?

15 A. If she wanted to offer me some, I probably would have
16 taken it.

17 Q. But you were going to take every dollar you had in
18 your pocket, all your hard-earned money from raking leaves,
19 mowing lawns, and buy somebody else the drugs and not use
20 any for yourself. Is that your testimony today under oath?

21 A. I'm testifying that the fifty dollars I had in my
22 pocket at that particular time I bought for Madeline Lewis,
23 the cocaine. Yes.

24 Q. All right. In any event, you left by yourself and
25 went toward Locust Street?

- 1 A. Yes.
- 2 Q. And saw these three men lurking in the shadows?
- 3 A. Yes.
- 4 Q. Did you go around them?
- 5 A. No. I walked right past them.
- 6 Q. But you knew them?
- 7 A. I recognized them.
- 8 Q. You knew their names?
- 9 A. No, I didn't know their names.
- 10 Q. You did not know their names?
- 11 A. No.
- 12 Q. You know their names now?
- 13 A. I know one of their names and the last name of
- 14 another. At that particular time, I did not know their
- 15 names. I knew them from observation and their participation
- 16 in activities around the community, in that area. On a
- 17 day-to-day basis, I would see them.
- 18 Q. So these are people that you saw together every day?
- 19 A. Yes.
- 20 Q. Did you consider them to be kids? They were younger
- 21 than you, is that right?
- 22 A. Yes. I didn't consider them to be kids, you know. I
- 23 considered them to be youthful.
- 24 Q. See them playing basketball together, things like
- 25 that?

- 1 A. Right.
- 2 Q. So you knew in three of them, knew they hung out
3 together and knew they were friends?
- 4 A. Yes, sir.
- 5 Q. Didn't speak to them?
- 6 A. No.
- 7 Q. Was anybody else out there at the time?
- 8 A. No, I only saw those three guys.
- 9 Q. Nobody in the whole area there of 17th, 18th,
10 Claremont out on the street at that time?
- 11 A. I saw person walking up the street of Claremont.
- 12 Q. Did you recognize that person?
- 13 A. For me to say it was Mr. Wilson would be wrong,
14 because I couldn't make out the image of the person
15 approaching me. It was dark. But I'm assuming that that
16 was Mr. Wilson coming up the street.
- 17 Q. Was there only one person out there at that time?
- 18 A. Only one person.
- 19 Q. When you first went by?
- 20 A. When I first went by, there were three guys lurking
21 in the darkness, idly standing by, and one man walking up
22 the street.
- 23 Q. And you didn't see anybody else in the whole two
24 block area?
- 25 A. No, sir.

- 1 Q. Coming down Claremont?
- 2 A. No, sir.
- 3 Q. All right. You went on down to Locust?
- 4 A. Yes.
- 5 Q. Bought drugs?
- 6 A. Yes.
- 7 Q. Who did you buy from?
- 8 A. I bought from a guy whom I don't remember his name.
- 9 He worked there. His job was to sell drugs.
- 10 Q. Did you know him?
- 11 A. I knew him only from that house and doing what he was
- 12 doing, selling drugs. That's the only way I knew him.
- 13 Q. You had bought from him before?
- 14 A. Yes.
- 15 Q. Were you a regular customer there?
- 16 A. I wouldn't say I was a regular customer, but I was --
- 17 I was known well enough for him to know he could sell me
- 18 drugs, but without a problem.
- 19 Q. Did they have drugs there on the premises?
- 20 A. What premises?
- 21 Q. At Al's house?
- 22 A. Yeah, that's where I bought the drugs from.
- 23 Q. You bought what?
- 24 A. Bought --
- 25 Q. What did you buy?

- 1 A. Fifty dollars worth.
- 2 Q. Of what?
- 3 A. Cocaine.
- 4 Q. Do you recall how it was packaged?
- 5 A. Pardon?
- 6 Q. Do you recall how it was packaged?
- 7 A. What you mean packaged?
- 8 Q. How was it wrapped up, five dime bags or --
- 9 A. Yes, five dime bags, different packages.
- 10 Q. All right. Now, how long would you say that took?
- 11 A. It took, I say approximately five to ten minutes.
- 12 Q. And took a couple more minutes to walk down there and
- 13 couple more to get back to Claremont, right?
- 14 A. Yes.
- 15 Q. So it was perhaps ten minutes from the time that you
- 16 saw the three guys the first time till you saw them the next
- 17 time, is that right?
- 18 A. From -- I say from five to ten minutes.
- 19 Q. Well, now, five, is that right?
- 20 A. I said five to ten minutes from the beginning. I did
- 21 not make note of the time. I'm assuming, and I'm making up
- 22 --
- 23 Q. Are you telling us now you could have walked that
- 24 extra two blocks to Locust, gone in the house and bought the
- 25 drugs and made the two blocks back in five minutes?

1 A. It's not two blocks. From where the guys were
2 standing in the darkness to the house on Locust, it's not a
3 five minute walk.

4 Q. You didn't spend any time in the house where the
5 drugs were sold, is that right?

6 A. Yes, it takes time.

7 Q. It's not like going up to Li'l General and flashing
8 something down on the counter and walking out, is it?

9 A. Sometimes. It depends.

10 Q. Got to wrap a little bit, make sure everything is
11 cool, don't you?

12 A. Are you asking me a question?

13 Q. Yes, that's a question. Don't you have to do that
14 when you go to buy drugs?

15 A. Well, sounds like you're telling me, but if you want
16 to know, I'll tell you. It takes time at times. Just at
17 times. Different circumstances and different situations.
18 Maybe you can go there, have your money in front, you get
19 your drugs right out back. At times, you may go there, it
20 take ten to fifteen minutes to get your drugs. At that,
21 particular time, it didn't take long, when I was there.

22 Q. You remember that particular night above all others?

23 A. Yes.

24 Q. So it couldn't have taken ten or fifteen minutes?

25 A. Pardon me?

1 Q. Could it have been as long as 15 minutes that you
2 were there?

3 A. I doubt it.

4 Q. Could it have been?

5 A. I doubt it very seriously.

6 Q. Well, however long it was, whether 15 or 20 or 30 or
7 five, when you got back up there, Arthur Wilson had made it
8 one block, is that right?

9 A. Yes.

10 Q. Was he moving that slow when you saw him?

11 A. Drunk man moves slow.

12 Q. Could you tell he was drunk when you first saw him?

13 A. Yes.

14 Q. How could you tell that?

15 A. I could see him staggering. I could see the motion.
16 See what we're dealing with a situation that occurs quite
17 frequently in the black community where you have teenagers
18 or someone at liquor houses waiting for a person that have
19 money and who is getting drunk on the outside of the house
20 to rob them, so I recognized this set-up at that time.

21 Q. I believe you said teenagers or someone in a liquor
22 house.

23 A. Or someone. I'm speaking in general. It could be
24 anybody. You could be the victim. If you want to hang out
25 at liquor houses and get drunk and have a pocket full of

1 money, you take taking a chance of getting beat in the head
2 and robbed.

3 Q. Well, go back to the question. In any event, for
4 whatever reason, it took him that long a time to walk one
5 block.

6 A. Yes.

7 Q. Did you see anybody else out there that night?

8 A. No, I didn't see anyone else.

9 Q. Nobody else had come in that two block area during
10 the time you were gone?

11 A. No, sir.

12 Q. Or at least they weren't out there when you came
13 back?

14 A. No, sir.

15 Q. Who did you see other than the three people and
16 Holiday?

17 A. No one else.

18 Q. No one else was out there?

19 A. No one.

20 Q. No police officers?

21 A. No.

22 Q. Not your girl friend?

23 A. No.

24 Q. Not anybody in a car?

25 A. No.

- 1 Q. Not Ronald McGee?
- 2 A. Who is that?
- 3 Q. Not Linda Walser?
- 4 A. Who are those people?
- 5 Q. Nobody from the ambulance crew?
- 6 A. No.
- 7 Q. Nobody moving in the whole area?
- 8 A. No.
- 9 Q. No cars moving?
- 10 A. No.
- 11 Q. So it was all over with and you had gone up to him
- 12 and looked at him and left?
- 13 A. Right.
- 14 Q. Now, you saw one of these people -- three people hit
- 15 the man in the head, is that right?
- 16 A. Yes.
- 17 Q. Whereabouts? Where on his head?
- 18 A. I would say on the left side of his head.
- 19 Q. On the left side?
- 20 A. Yes.
- 21 Q. All right.
- 22 A. From the left side of his head.
- 23 Q. Where was he hit?
- 24 A. He hit him on the left side. From the -- he hit the
- 25 man from the -- he was a right handed person, meaning that.

1 the man was facing him and he hit him on the left side of
2 his head.

3 Q. So they were face to face when he hit him?

4 A. Yes.

5 Q. Where would you classify that wound? On the side of
6 the head, front, or back?

7 A. That's the back.

8 Q. That's the back, isn't it?

9 A. Um-hum.

10 Q. You don't know who that is. Would you be surprised
11 if I told you that was Arthur Wilson?

12 A. No, that's what we're here for.

13 Q. Now, what did he hit him with, Mr. Ford?

14 A. A large brick.

15 Q. A large brick. And that's just like you said in this
16 statement that you gave to the private investigator during
17 the course of the first trial of this case, isn't that
18 right?

19 A. Um-hum.

20 Q. So you hadn't talked to anybody about what kind of
21 object it was prior to September 9th. Is that right?

22 A. That's right.

23 Q. And you know now on September 9th, we're in the
24 middle right here in this courtroom on this first trial, is
25 that right?

1 A. Right.

2 Q. And you know also that was about a day or half or two
3 days before the doctor testified about what kind of wound we
4 had in that man's head, do you know that?

5 A. No.

6 Q. All right. But you don't dispute that, do you?

7 MR. BEDSWORTH: Objection.

8 A. Dispute what?

9 THE COURT: Well, he said he didn't know.

10 Sustained.

11 Q. All right. Now, -- so before the medical testimony
12 came out, you made the statement that it was brick that made
13 that wound?

14 A. Yes.

15 Q. And now you're sticking with that. Is that right,
16 you thought it was a brick?

17 A. I maintained that in 1983 when I talked to Mr. Belton
18 from the Winston-Salem Police Department in the interview.
19 I told them that in 1983 that it was a brick. I still
20 maintain that.

21 Q. What's a brick?

22 A. Well, you have different forms of brick. You have a
23 mortar brick, you have masonry brick, you have what --

24 Q. All right, tell me what this is.

25 A. That's a masonry brick.

1 Q. This is what you call a masonry brick like you find
2 laying on the street?

3 A. Yes.

4 Q. Is that right?

5 A. That's a masonry brick.

6 Q. Anything unusual about that brick?

7 A. Other than it's old.

8 Q. All right. That is an old brick?

9 A. Yeah.

10 Q. What other kind of bricks are there?

11 A. There are -- in my definition, and what I was
12 commonly taught growing up, is a large rock is a brick.

13 Q. Man-made or natural?

14 A. What.

15 Q. Man-made or natural?

16 A. Man-made or natural.

17 Q. Is this -- is this a brick? Hold it, hold it in your
18 hand.

19 A. It could be considered as a brick. But I see --
20 yeah, it could be considered as a brick.

21 Q. Well, that's a piece of masonry, but it's not like
22 what you build a brick house out of, so is that a brick?

23 A. It could be considered as a brick.

24 Q. What were you talking about when you wrote it on this
25 piece of paper: I saw the man hit in the head with a brick?

1 This?

2 A. A large object similar to that.

3 Q. Similar to this. How similar?

4 A. The width and size.

5 Q. Well, how close? How close is this?

6 A. It doesn't look anything like what I described as far
7 as being a mortar brick. A mortar brick, what I'm speaking
8 of when I say mortar, is --

9 Q. Well, is this mortar? That's concrete isn't it,
10 rocks in it?

11 A. Yes.

12 Q. Isn't that what you described?

13 A. No. I said mortar. Do you understand what a mortar
14 is? Cement mortar. Mixture of sand, water and some other
15 ingredients that you mix up for the purpose of laying
16 bricks.

17 Q. How big was it?

18 A. And in the course of mixing that up, it forms into a
19 brick once it is hardened. If you don't get it off in time
20 and lay your bricks. It forms a brick, it forms a rock or
21 whatever you want to call it. With little rocks inside of
22 it.

23 Q. Like a cinder block?

24 A. No.

25 Q. In any event, this piece of whatever, wasn't that

1 kind of brick, wasn't that kind of brick, it was another
2 kind of brick, how big was it?

3 A. About like that.

4 Q. What's that, 10 inches across?

5 A. That's what you see. That's what it is. I --

6 Q. How big was it this way?

7 A. --

8 Q. Well, let me just ask you this: You say it was like
9 this. Was it a brick shaped like this? Was that the shape
10 of it, was about like that kind of brick?

11 A. That's not a brick.

12 Q. You talking about something almost round, aren't you?

13 A. No.

14 Q. No?

15 A. No. I've always -- I cannot give a very clear
16 description.

17 Q. Well, give it again, please.

18 A. The object that I saw Mr. Wilson attacked with was a
19 mason- -- excuse me -- was a brick in the form and shape
20 that took place as a result of mortar being accumulated and
21 rocks together.

22 Q. Is that your clear description?

23 A. I think it's accurate.

24 Q. What would you guess it weighed, based on size you
25 saw and the materials you described?

1 A. Maybe 12 pounds, ten pounds.

2 Q. Ten or 12 pounds?

3 A. Yes.

4 Q. Did it look like something that had been broken off
5 of something or was it a custom-made piece?

6 A. No, it wasn't broken off or anything like that. It
7 looked as if someone was making mortar and all of a sudden
8 stopped and tossed over to the side as waste.

9 Q. So wasn't formed to be anything?

10 A. No, it wasn't formed. Just happened to happen that
11 way. It just happened to be formed that way, after someone
12 had throwed away waste for mortar --

13 THE COURT: All right, we've been over that, now.

14 Q. Looked like it had been discarded before it formed?

15 A. Yes, as waste.

16 MR. BEDSWORTH: Your Honor, I think he --

17 THE COURT: Sustained.

18 Q. Do you think it would have picked up any dirt while
19 it was laying around drying or would it have been real
20 smooth and clean and not left any debris when you hit
21 something with it?

22 A. Would you repeat that?

23 Q. No, sir. I withdraw the question.

24 Now -- so after being face to face with this man, Mr.
25 Wilson -- by the way, how big would you say Arthur Wilson

- 1 was? What would you say his height and weight was?
- 2 A. Five ten, maybe 150, 160.
- 3 Q. Five ten?
- 4 A. Yeah.
- 5 Q. How many inches is five ten, if you know? Would that
- 6 be 70 inches?
- 7 A. Maybe.
- 8 Q. All right. And you say somebody was face to face
- 9 with him when they hit him?
- 10 A. Yes.
- 11 Q. Hit him with their right hand?
- 12 A. Yes.
- 13 Q. Somehow or another got around and put that blow back
- 14 here on the back part of his head, is that right?
- 15 A. That was the result.
- 16 Q. That's your testimony?
- 17 A. I'm testifying that I saw the guy hit Mr. Wilson with
- 18 his right hand.
- 19 Q. All right.
- 20 A. With a brick in his right hand while face to face
- 21 with him.
- 22 Q. A 12 pound object?
- 23 A. Yes.
- 24 Q. Okay. Now, what did Mr. Wilson do when he got hit?
- 25 A. Fell.

- 1 Q. Went down immediately?
- 2 A. Yes.
- 3 Q. All right. And then what happened?
- 4 A. When he went down, the other two guys went through
- 5 his pockets and socks and I think they took his watch.
- 6 Q. All right. Did they take their time doing that or
- 7 did it seem like they were rushing or how would you describe
- 8 it?
- 9 A. I described him in the form or in the sense that they
- 10 wasn't rushing at the time. Yes, they were rushing. It was
- 11 a robbery being committed.
- 12 Q. Well, wasn't anybody else out there, was it?
- 13 A. No.
- 14 Q. Were you where they could see you?
- 15 A. No, I was in the darkness where they were before the
- 16 attack occurred. When I approached 18th and Claremont, I
- 17 was standing in the same place they were in, in the
- 18 darkness. The attack delayed my continuing.
- 19 Q. What did you see them take from his pocket?
- 20 A. Something was taken from his pocket.
- 21 Q. Could you see it or do you just assume that from the
- 22 fact they put their hands in the man's pocket?
- 23 A. I assume it was money. I don't know what it was.
- 24 Q. Was he struggling and fighting with them?
- 25 A. No. The man was unconscious.

1 Q. He was unconscious? How could you tell that from
2 back in the shadows?

3 A. Well, he didn't resist.

4 Q. So he regained consciousness before you got up to
5 him, is that right?

6 A. When I got up to him, he was moaning, he showed life.
7 He had life in him. He was not dead. I saw no blood. So I
8 assumed that he was not dead or he would be all right.
9 Excuse me.

10 Q. Did you look for any blood?

11 A. No, I didn't look for any blood.

12 Q. Was he on his face or on his back?

13 A. He was on his back.

14 Q. Well, now, you were perfectly straight, is that
15 right? No liquor, no drugs, nothing wrong with you at the
16 time?

17 A. No.

18 MR. BOYLES: Objection.

19 THE COURT: Sustained.

20 Q. And you had just seen a man get hit in the head by a
21 young man with a ten to 12 pound object, is that correct?

22 A. Yes, sir.

23 Q. And you saw him immediately collapse to the ground?

24 A. Yes, sir.

25 Q. What did you do to help that man?

1 A. Nothing. I did nothing. I approached him. I saw
2 life in him. I went on about my business. I wasn't there
3 to help. I can't get involved in everybody's affairs. You
4 know, this is a common thing.

5 Q. Well, you sure have jumped in one now, haven't you,
6 Mr. Ford?

7 MR. BOYLES: Objection.

8 THE COURT: Well, sustained to the form.

9 Q. All right. Now, let's go back there. You didn't do
10 a thing?

11 A. No.

12 Q. Talk to him? You say hey, buddy, are you okay?

13 A. No.

14 Q. How close did you get to him?

15 A. As close as I am to this stenographer.

16 Q. You walked up to him and just stood right over him?

17 A. Yes.

18 Q. Lights on him?

19 A. Yes.

20 Q. Street lights?

21 A. Yes.

22 Q. You didn't see that gash in the back of his head?

23 A. He was laying on the back of his head, face up.

24 Q. How long did you stand there over top of him?

25 A. Maybe less than a minute.

1 Q. Well, let me ask you this: How far were you from him
2 when you saw the assault take place?

3 A. 20, 30 yards.

4 Q. 20, 30 yards, maybe as far as back of the courtroom,
5 is that right?

6 A. That's much more than 30 yards.

7 Q. How far is it from you to me right now?

8 A. About ten yards.

9 Q. All right, 20, 30, somewhere in that area, is that
10 right, that's how far away you were?

11 A. Yes.

12 Q. So you had to walk up there. How long you say that
13 took to walk that 30 yards?

14 A. Maybe 30 seconds.

15 Q. 30 seconds. How long did you stand over top of the
16 man?

17 A. Maybe 30 seconds.

18 Q. And then how long was it before you got completely
19 out of the area, completely off Claremont back into the
20 shadows? Another 30 seconds?

21 A. No. I don't think I -- I didn't -- I don't make it a
22 point to time myself. But I continued to walk. I couldn't
23 tell you exactly how long it took.

24 Q. But in any event, from the time you saw the man get
25 hit and the kids run away from him, it was at least one

1 minute, 60 seconds that you were there literally on the
2 scene, is that right?

3 A. No, sir.

4 Q. Well, now, 30 seconds to walk up there and 30 seconds
5 standing over a man, what does that equal to?

6 A. From the time the attack occurred, from the time I
7 left, I say I was on the scene for three or four minutes.

8 Q. Okay, three or four minutes. During that three or
9 four minutes, who did you see out there?

10 A. I identified the photos of the people that I saw.

11 Q. No. Afterwards, other people?

12 A. Afterwards?

13 Q. Yeah.

14 A. I did not return to the scene.

15 Q. During the three or four minutes that you were there
16 after the man was hit, what other people came around?

17 A. No one.

18 Q. Not a single soul stirring anywhere in the area?

19 A. No, sir.

20 Q. You didn't hear anybody screaming the man's been hit?

21 A. No, sir.

22 Q. You didn't see any cars come up from 17th Street, did
23 you?

24 A. I did not see any cars. I did not see anybody
25 screaming. And if someone was screaming on that corner or

1 on that street at all, if someone was screaming on 19th
2 Street which is about a block away, I would have heard them.
3 I would have seen them.

4 Q. If you had been there?

5 A. I was there.

6 Q. Was there a car there? Did you see a car chasing
7 those -- the three people that assaulted the man down the
8 street?

9 A. No, I didn't see a car chasing anyone.

10 Q. So that didn't happen?

11 A. I'm not saying it didn't happen.

12 MR. BOYLES: Objection.

13 THE COURT: Overruled.

14 Q. Did you ever see any headlights shine on any of these
15 people?

16 A. No, sir.

17 Q. And you were still alone, weren't you, during this
18 time?

19 A. What time are you speaking of?

20 Q. When you saw the assault and were walking back to
21 19th Street.

22 A. The assault occurred first. Three people were there
23 assaulting Mr. Wilson.

24 Q. All right.

25 A. I witnessed it. I approached Mr. Wilson. I left. I

- 1 was alone all the time.
- 2 Q. Did you ever go back down there?
- 3 A. No, sir.
- 4 Q. Never?
- 5 A. Never.
- 6 Q. You were not there when the ambulance people were
- 7 there?
- 8 A. No, sir.
- 9 Q. Now, tell me something: What happened to this big
- 10 rock after the person hit him in the head with it?
- 11 A. Sir, I don't know.
- 12 Q. Well, you sure got an awful good look at it from 30
- 13 yards not to realize what happened to it, didn't you, Mr.
- 14 Ford? Did he put it in his pocket and go down the street
- 15 with it?
- 16 A. He dropped the rock.
- 17 Q. Dropped it where? Tell me that.
- 18 A. Right beside him.
- 19 Q. Right beside the man?
- 20 A. Yes.
- 21 Q. You don't see it in that photograph, do you?
- 22 A. No, I don't see a rock.
- 23 Q. How close was it? Is that where the man was laying
- 24 when you --
- 25 A. The rock was right beside him.

1 Q. How far away from it? Close as me to you?

2 A. Yes.

3 Q. That close?

4 A. Yes.

5 Q. During the three or four minutes that you were there
6 walking up and watching, did anybody else come out there and
7 ignore the man and take the rock away?

8 A. I gave my statement.

9 Q. Did you see it happen?

10 A. Yes, I saw it happen.

11 Q. You saw somebody take the rock?

12 A. No. I saw the attack.

13 Q. My question is: Did you see anybody take that rock
14 before you left the scene?

15 A. No.

16 Q. Could you give me any reason, Mr. Ford, any reason at
17 all why anybody would have done that?

18 MR. BEDSWORTH: Objection.

19 THE COURT: Sustained.

20 Q. You didn't see the three people come back and take
21 the rock, did you?

22 MR. BEDSWORTH: He's answered that, Your Honor.

23 THE COURT: Sustained.

24 Q. So you left the man laying there in the street and
25 walked on back to the drink house?

- 1 A. That's right.
- 2 Q. What did you do there?
- 3 A. I delivered the stuff -- I delivered the cocaine.
- 4 Q. To whom?
- 5 A. Madeline Lewis.
- 6 Q. All right. She use it?
- 7 A. Yes.
- 8 Q. Right there?
- 9 A. Yes.
- 10 Q. You use any?
- 11 A. No.
- 12 Q. You stay with her the rest of the evening?
- 13 A. No.
- 14 Q. How do you know she used it?
- 15 A. I assume she used it. I gave it to her.
- 16 Q. Oh, you don't know. You just assume?
- 17 A. No, I don't know for a fact. She left. She left.
- 18 Q. When did you find out the man died?
- 19 A. When Madeline Lewis came back. She left and come
- 20 back. She said that someone had -- someone was killed on
- 21 18th and Claremont.
- 22 Q. Is that the same night?
- 23 A. Same morning. It was maybe three o'clock, four
- 24 o'clock in the morning when she on got back.
- 25 Q. Did you tell anybody else what you had seen?

1 A. Yes. I was at the bar in the basement and she came
2 in, real excited, said that someone had been killed on 18th
3 and Claremont. And when she said that, I realized that I
4 had witnessed a murder. I had witnessed the attack that
5 occurred that night and I told her, I told her, I say I saw
6 that. Yeah.

7 Q. So you went back down there and told the police what
8 you had seen?

9 A. No, I didn't go down there.

10 Q. You didn't. Why not?

11 A. Because I felt like I shouldn't get involved.

12 Q. You felt like you shouldn't get involved?

13 A. Yes.

14 Q. You knew who did it?

15 A. I recognized the people.

16 Q. Saw them?

17 A. Yes.

18 Q. And knew where they lived. You knew they had killed
19 a man and you didn't think you should get involved?

20 A. Yes, sir. At that particular time. That's the --
21 those were my feelings.

22 Q. You have had some conversion since then, I suppose,
23 is that right?

24 MR. BOYLES: Objection.

25 THE COURT: Sustained.

1 Q. Well, let's talk about your involvement, now. All
2 right, you tried to -- you got in a jam right after this
3 happen, is that right? You got caught for breaking in a
4 couple of stores?

5 A. I was arrested for breaking and entering.

6 Q. Yes, sir. That's getting caught for breaking into a
7 couple stores, isn't it?

8 A. I think I answered your question.

9 Q. All right. And so you were put in jail?

10 A. Yes, sir.

11 Q. Forsyth County jail right down here. And you got
12 with your lawyer and told him that you wanted to give some
13 information to get out on the street, is that right?

14 A. No, I didn't get with my lawyer. I didn't get with
15 my lawyer. I knew --

16 Q. Well, you got the information to the police
17 department, is that right?

18 A. Yes, I got the information to the police department,
19 because I knew, I realized that the police department was
20 looking for me --

21 Q. Right, but eventually --

22 A. -- concerning this murder, concerning the fact that
23 they had received word that I knew who killed Mr. Arthur
24 Wilson in 1983. They were looking for me for this
25 particular reason. When I was arrested and went to jail, I

1 got in contact with police, then to --

2 Q. Wait a minute, let's back up. How do you know the
3 police were looking for you?

4 A. Because the word on the street travels real fast, you
5 know?

6 Q. Uh-huh.

7 A. Okay. We go back to the morning it happened with
8 Madeline Lewis came into the bar and said that someone was
9 killed. I told her that I witnessed that. And Mr. Arthur
10 Wilson, the victim of the attack, son or son-in-law or
11 stepson was right beside me when I told her that I had
12 witnessed the murder. He asked me to tell him who did it.
13 I had no knowledge at that time that he was the son, stepson
14 or inlaw of Mr. Wilson. I told him I wasn't going to tell
15 you. I said I'm not going to tell you who did it. So, he
16 got eratic and got all upset and wanted to fight because I
17 wouldn't tell him. So I left. I went home. And the next
18 morning --

19 Q. You called the police, is that right?

20 A. No, I didn't call the police. The next morning I was
21 told the police were looking for me, and Mr. Wilson's son
22 was looking for me with a gun to shoot me because I wouldn't
23 tell them who killed his father.

24 Q. Okay, so you heard the police were looking for you
25 and you called?

1 A. No, I didn't call them.

2 Q. Well, sometime, you got arrested?

3 A. Now, we go back to when I was arrested.

4 Q. All right --

5 THE COURT: All right, wait a minute. Let's
6 leave him right there for a little while and take a recess.
7 Take a 15 minute recess, members of the jury. Everybody in
8 the courtroom remain seated while the jury goes out.

9 (At 10:57 AM, the jury is dismissed for the
10 mid-morning recess.)

11 THE COURT: All right, take a 15 minute recess.

12 (At 10:59 AM, a mid-morning recess is had.)

13 (At 11:15 AM, the mid-morning recess is ended.
14 The jury is brought into open court. The witness Ford
15 returns to the witness stand.)

16 THE COURT: All right, we took a recess, you were
17 going to ask him something about when he got to jail.

18 MR. WALKER: Yes, sir.

19 Q. I believe we were at the point, Mr. Ford, where you
20 had been arrested in October of 1983. And you gave
21 information to the police then about this incident you had
22 seen the month before, is that correct?

23 A. Yes, sir.

24 Q. Talk to Detective Belton?

25 A. Yes.

1 Q. What did you tell him?

2 A. Well, he asked me why did I want to get in contact
3 with him. I told him that I had information related to Mr.
4 Holiday's murder. And told him it was good, you know. He
5 gave me a form to sign which was a waiver of rights to have
6 an attorney present during this questioning. So I waived
7 that right.

8 THE COURT: Can you all hear him all right?

9 (Affirmative indication.)

10 THE COURT: Seems like I can't hear him as good
11 as before the recess.

12 Q. Where did you talk to him, at the county jail?

13 A. No, across the street, City Hall.

14 Q. But you were still in custody?

15 A. Yes, he had me transferred across the street.

16 Q. And who else did you talk to about all this?

17 A. Mr. Wilkins at the time.

18 Q. And who else?

19 A. No one else.

20 Q. But later you talked to your lawyer, Mr. Browder?

21 A. Okay, I missing the change of events. I'd like --

22 Q. Well, let me ask the questions, all right? And if
23 you need to explain something, the judge will let you do
24 that.

25 A. Okay.

1 Q. So you told your lawyer about this, didn't you?

2 A. Yes, sir.

3 Q. And you told him you had talked to the police
4 officers?

5 A. Yes.

6 Q. Did you give the police officers a name?

7 A. After I was released out of bond, I gave the police
8 three names and three addresses -- three names and two
9 addresses.

10 Q. First time you talked to Belton, did you give him the
11 name of any of the people?

12 A. I told him I could identify the people and I would
13 get those names.

14 Q. You didn't give him the names?

15 A. At that particular time, no.

16 Q. Did you give the names to your lawyer?

17 A. After I was released, I got the names of the three
18 people, their addresses and I submitted them, one to Mr.
19 Belton myself and two to my lawyer to forward to the DA's
20 office or to the detective.

21 Q. All right. So after you have made this initial
22 contact, your lawyer, the police officers and somebody from
23 the DA's office arranged for you to be released on bond, is
24 that right?

25 A. Yes. I spoke with -- well --

- 1 Q. Just answer yes or no, please.
- 2 A. Yes.
- 3 Q. And you got out?
- 4 A. Yes.
- 5 Q. How long did you remain out before you were back in
- 6 trouble again?
- 7 A. I'm not sure. You have records. I don't. I would
- 8 recognize the date, if you have records there.
- 9 Q. Well, the fact of the matter is you hadn't gotten out
- 10 long when you shot somebody, is that right? During that
- 11 interval you were out on bond?
- 12 A. Yes, I was out on bond.
- 13 Q. And then few weeks after that, you went to court, got
- 14 your sentence and went back to South Carolina?
- 15 A. No, I didn't go immediately back to South Carolina.
- 16 Q. Well, you served a short sentence in North Carolina
- 17 and then they revoked your parole and went back to South
- 18 Carolina?
- 19 A. Yes.
- 20 Q. And you've been there since that time in early 1984.
- 21 I believe you said early January, '85 but --
- 22 A. Well, I was released in North Carolina prison in
- 23 December 4th, 1985.
- 24 Q. And went straight to South Carolina?
- 25 A. Yes.

1 Q. And you're still there now?

2 A. Yes.

3 Q. And you say you gave the names of two of the people
4 to your lawyer, expecting him to forward them to the police?

5 A. Yes, he told me he would forward them to the police
6 and later in our conversation about my criminal case, he
7 told me he did forward the names.

8 Q. And you ended up pleading guilty on one of those
9 breaking and entering charges and got an active sentence, is
10 that right?

11 A. Yes.

12 Q. And what happened to the assault charge arising from
13 the shooting incident?

14 A. Well, the assault charges never tried.

15 Q. Witness didn't show up in court and the DA's office
16 had to drop the case, is that right?

17 A. Yes.

18 Q. Who was that man you shot? Do you remember his name?

19 A. I'd rather not discuss the case.

20 Q. I know you'd rather not, but I --

21 A. No, I don't know his name.

22 Q. Excuse me?

23 A. I don't know his name.

24 Q. Now, the next you heard of any of this was when you
25 read about it in the Charlotte paper, is that right?

- 1 A. Yes.
- 2 Q. When was that?
- 3 A. This was in the summer of '86. This past summer.
- 4 Q. This past summer?
- 5 A. Yes. I can't be sure on the date.
- 6 Q. Would that be in June, July or August, sometime?
- 7 A. It was real hot. July, I think.
- 8 Q. July?
- 9 A. Yeah.
- 10 Q. And I believe you said that the story was about the
- 11 Sykes case, is that right?
- 12 A. Yes. That was the -- the heading of the --
- 13 Q. Heading was about the Sykes case?
- 14 A. Yes.
- 15 Q. When was the Sykes case tried? Do you know?
- 16 A. The case was tried in 1985.
- 17 Q. All right. And so this was an article in the
- 18 Charlotte paper a year or so after the case was tried?
- 19 A. That's right.
- 20 Q. All right.
- 21 A. It dealt with the fact that Darryl was on appeal and
- 22 he was also been charged in this case.
- 23 Q. The fact that Darryl was on appeal?
- 24 A. For Deborah Sykes case. And he was now being charged
- 25 with Mr. Wilson's murder.

1 Q. All right. Now, you said earlier, I believe, that
2 you did not know Darryl Hunt in 1983?

3 A. I didn't. But I could recognize him. I didn't know
4 him personally. Socially --

5 Q. You knew who he was?

6 A. I knew who he was.

7 Q. Okay. Now, he wasn't a celebrity then, was he?

8 A. Still not a celebrity in my book.

9 Q. Oh, he's not?

10 A. No.

11 Q. How did you know him?

12 A. Through observation.

13 Q. You see him on the street?

14 A. I've seen him play basketball, I've seen him on the
15 street. Seen him a number of places.

16 Q. Usually with Sammy Mitchell when you see him.

17 MR. BEDSWORTH: Objection.

18 THE COURT: Sustained.

19 Q. Was he frequently with Sammy Mitchell when you see
20 him?

21 MR. BEDSWORTH: Objection.

22 THE COURT: Sustained.

23 Q. Did you ever see him with Sammy Mitchell?

24 A. No.

25 Q. You never ever saw him with Sammy Mitchell?

1 A. No.

2 MR. BEDSWORTH: Objection.

3 THE COURT: Sustained.

4 Q. They were not running partners?

5 A. Not to my knowledge.

6 Q. Did you ever check on the status of the case or
7 non-case in the murder of Mr. Arthur Lee Wilson?

8 A. I was concerned about the fact that I had submitted
9 those names and addresses of people that I witnessed commit
10 the murder. And --

11 Q. You did that just, what, out of good citizenship, Mr.
12 Ford?

13 A. No, sir.

14 Q. You did it to help yourself and get out of jail and
15 cut the amount of time you might have to serve. Isn't that
16 a fact?

17 MR. BEDSWORTH: Objections.

18 THE COURT: Overruled.

19 A. I did that on grounds that I was encouraged to do
20 that by my mother.

21 THE COURT: By who?

22 THE WITNESS: My mother. I told her the night
23 after the attack that I had witnessed it. She asked me what
24 was I going to do? And I told her I didn't know at the
25 time. And after I --

1 Q. But you did it to help yourself, that was your whole
2 purpose.

3 A. I did it because I had been taught to know what right
4 from wrong. You know, I'm from a deeply religious family
5 and I've been taught to realize and understand and do the
6 right thing.

7 Q. So the fact you were in trouble had nothing to do
8 with you giving these names and descriptions to the police,
9 is that right?

10 A. I did what I felt was right and I did what I was
11 encouraged to do in trying to do the right thing.

12 Q. Did you do it the day before you were arrested?

13 A. No, sir.

14 Q. Why not? Was it less right on that day than it was
15 when you were sitting down there in jail?

16 A. No, sir. As a matter of fact, the day before I got
17 arrested, I was preparing myself to testify in another case
18 in -- for the prosecution for Mr. Tisdale.

19 Q. And did you tell Mr. Tisdale that day or tell any
20 police officer these three names about the killing you
21 witnessed?

22 A. He was aware of that. He was already aware of that.

23 Q. So you deny, as you sit there, that your being in
24 trouble had anything to do with your calling Officer Belton?

25 A. No. I called Belton, I contacted Belton because I

1 felt like that was the right thing to do. Now, in terms of
2 getting out, Belton and Wilkins made the deal. They asked
3 me if I was allowed to get out on bond, would I give the
4 names and addresses of people. I didn't submit or I didn't
5 make a deal. They made the deal with me.

6 Q. Did you give any of these police officers a written
7 statement back then about what you did? About what you said
8 and what you saw?

9 A. A written statement about it?

10 Q. Or a recorded statement?

11 A. No, it was never recorded or never written out.

12 Q. Was not. Well, now, don't you know for a fact when
13 they talk to witnesses they write it out --

14 MR. BEDSWORTH: Objection, Your Honor.

15 Q. -- and record the statement?

16 THE COURT: Well, sustained.

17 Q. The fact of the matter is you didn't give them
18 anything at all, isn't that right? Of any substance?

19 A. I must have given some very, very important for them
20 to let me out of jail.

21 Q. Well, you got out of jail before you gave the
22 information. That's what you told --

23 A. I was --

24 Q. That was the whole point of getting out so you could
25 give them the information.

1 A. This information I gave them at that particular time,
2 and I quote from Mr. Belton, very important information and
3 that you do know something about the murder.

4 Q. Fact is you dangled this little carrot out there and
5 said if you let me out, I'll try to find out something and
6 they did and you didn't do a thing about it, did you?

7 A. No. The deal was he offered to let me out. I didn't
8 ask to get out. He offered to let me out. He contacted the
9 DA's office.

10 Q. And you they let you out?

11 A. Yes.

12 Q. And you did nothing?

13 A. I submitted the names to Mr. Belton.

14 Q. What name?

15 A. I can't remember the first name of the person, but
16 the last name was Wright.

17 Q. All right. And what other names did you give?

18 A. The other name, Chuck Simmons.

19 Q. What's the other name?

20 A. I don't know. I don't remember. But if you will
21 call it out --

22 Q. Do you know the name?

23 A. I would recognize it if it was mentioned.

24 Q. You don't know the name?

25 A. No.

1 Q. You know the face?

2 A. Forget.

3 Q. All right. Now, so you sitting down there in South
4 Carolina last summer and you read about it in the newspaper
5 that Mitchell and Hunt and unknown man, unknown to you has
6 been charged with killing Arthur Wilson, is that right?

7 A. Yes, sir.

8 Q. You remembered his name, Arthur Wilson, right?

9 A. No, I didn't -- I later on -- I didn't know Mr.
10 Arthur Wilson by Mr. Arthur Wilson. I knew Mr. Wilson by
11 Holiday.

12 Q. When you read the Charlotte paper, they didn't call
13 him Holiday in the Charlotte paper, did think?

14 A. No, sir.

15 Q. What name did they --

16 A. Holiday.

17 Q. And you remembered that?

18 A. Yes.

19 Q. Of course, you called him Smith you first walked up
20 to the witness stand about an hour or so ago, didn't you?

21 A. I may have.

22 MR. BEDSWORTH: Objection.

23 THE COURT: Overruled.

24 Q. But that rang a bell?

25 A. It's possible. I'm human, I can make an error.

1 Q. Okay. So, you immediately picked up the phone and
2 called Detective Belton and said wait, what's going on here,
3 is that right?

4 A. No, sir.

5 Q. You didn't do that. You immediately picked up the
6 phone and called your lawyer over there, Mr. Browder, and
7 said wait, Mr. Browder, what's going on? Those aren't the
8 names I gave you. Is that what you did?

9 A. No, sir.

10 Q. What did you do?

11 A. I called my mother.

12 Q. And?

13 A. I spoke with my mother and told her that something
14 terrible was about to take place as far as --

15 Q. And who else did you talk to?

16 A. I called Larry Little.

17 Q. Larry Little. Larry Little a police officer?

18 A. No, sir.

19 Q. Has he got anything to do with the investigation of
20 this case, as far as you knew?

21 A. --

22 Q. Yes or no?

23 A. No, sir.

24 Q. And what did you know about Mr. Little's involvement
25 at the time other than he was head of Darryl Hunt defense

1 fund formed during the Sykes case?

2 A. Would you repeat --

3 Q. You knew that, didn't you?

4 A. Would you repeat the question?

5 Q. All right. I should. Did you know that Mr. Little
6 was on the committee or the head of the Darryl Hunt defense
7 fund that was formed after his trial last year?

8 A. I knew he was on the committee.

9 Q. How did you know that?

10 A. Through media.

11 Q. Read that in the Charlotte paper, too?

12 A. I saw that on the news, television.

13 Q. All right. And so that's why you thought he would be
14 the person to call in this case.

15 A. Yes.

16 Q. When did you talk to him?

17 A. Two days after I read the article in the paper.

18 Q. Two days?

19 A. Maybe. I'm not sure about the date or the time. But
20 I just --

21 Q. In any event, it was back during the summer?

22 A. Yes.

23 Q. This past summer?

24 A. That's right.

25 Q. And you told him you knew something about this case,

1 is that right?

2 A. Yes.

3 Q. How many times did you talk to Larry Little?

4 A. I talked to him twice.

5 Q. All right. What else -- what other involvement have
6 you ever had with Larry Little? Is he a friend of yours?

7 A. Yes.

8 Q. How long have you been a friend?

9 A. I think Larry and I were introduced to each other in
10 1968.

11 Q. How did you that come about?

12 MR. BEDSWORTH: Objection, Your Honor.

13 Immaterial.

14 THE COURT: Sustained.

15 Q. Were you members of the black panther party with him?

16 MR. BEDSWORTH: Objection.

17 THE COURT: Overruled -- sustained.

18 Q. Have you ever been a member of the black panther
19 party?

20 MR. BEDSWORTH: Objection, Your Honor. Move to
21 strike.

22 THE COURT: Sustained.

23 Q. Who else do you know of that's on the Darryl Hunt
24 defense fund?

25 A. Collin Spurgeon.

1 Q. Did you call him?

2 A. Spurgeon. Spurgeon.

3 Q. Did you call him?

4 A. Did I call him?

5 Q. Yes, sir.

6 A. No, I didn't call him.

7 Q. Who else do you know that's on that fund, one of the
8 officials of it?

9 A. Those are the only people I know for a fact that's on
10 it.

11 Q. Why did you have -- did you happen to pick Mr. Little
12 before him?

13 A. First of all, long-distance call and I feel like
14 Larry would accept the call and that Larry would at least
15 listen to what I had to say, because this was a situation
16 where it took a personal -- a person with an understanding
17 in order to be able to look into it from point of view that
18 he had to verify details. And I felt Larry would take the
19 time to verify those details in relation to my previous
20 talks with Mr. Belton, Mr. Wilkins, the Winston-Salem Police
21 Department having given them the names and the addresses of
22 the people that I saw attack Mr. Wilson that night.

23 Q. Tell me what contact you had with Larry Little from
24 the late sixties till the present.

25 MR. BEDSWORTH: Objection.

1 THE COURT: Sustained.

2 Q. Did you have -- did you have any contact with him in
3 1983 during one of those intervals when you weren't in
4 prison?

5 A. 1983?

6 Q. Yes, sir.

7 A. No, sir.

8 Q. Just out of the clear blue, you call him up and give
9 him this information, is that right?

10 MR. BEDSWORTH: Objection, Your Honor.

11 THE COURT: Well, sustained.

12 Q. After you talked to him back in the early part of the
13 summer, when was the next time you talked with anybody about
14 any of this?

15 A. When Private Investigator Les Burns came down.

16 Q. About one month ago while this trial, the first trial
17 was going on, is that right?

18 A. Yes.

19 Q. This man walked up, and what did he tell you about
20 himself?

21 A. He told me that he was a private investigator for
22 attorney Ferguson in Charlotte, North Carolina, and that he
23 was told that I had information relating to the death of Mr.
24 Arthur Wilson and that the statement or the information that
25 I had was very important to the Mitchell defense. And he

1 told me that the trial was taking place at that particular
2 time and that he would have to get back to here in
3 Winston-Salem to make this statement, to make this
4 information available for courts and juries, so Mr. Mitchell
5 could at least get a fair trial.

6 Q. All right. So he told you the person he was there on
7 behalf of, that's Mr. Ferguson is from big law firm in
8 Charlotte, that they didn't represent Sammy Mitchell. Did
9 he tell you that? They represent Darryl Hunt?

10 A. I think I stated that very clearly.

11 Q. All right. And you gave him this statement that you
12 read earlier that you've read to the jury, is that right?

13 A. Yes, sir.

14 Q. Which talks about the man being hit in the head with
15 a brick -- is this in your handwriting?

16 A. No, it's in Mr. Burns' handwriting. I was recording
17 and he was writing the statement. It's also on tape.

18 Q. But he wrote this, you did not?

19 A. No, I didn't write it.

20 Q. But you signed it?

21 A. He asked me did I want to write it. I told him I
22 preferred to record it. And he could write it.

23 Q. Why was that your preference?

24 A. Be less work on me.

25 Q. Less work on you?

1 A. Yes. I felt like the recorded statement would do the
2 job.

3 Q. Well, we don't have any recorded statement here from
4 your lawyer, do we? All we got is that --

5 MR. BOYLES: Objection.

6 THE COURT: Well, sustained to the first
7 question.

8 Q. Now, the fact of the matter is, he wrote that out
9 because he's the only one that knew anything about the case,
10 isn't that right?

11 MR. BOYLES: Objection.

12 THE COURT: Overruled.

13 A. He wrote it out from -- he dictated it -- it's a
14 dictation of my statement which is one hundred percent true.
15 That statement is true.

16 Q. Because the time he came down to see you the first
17 day of that trial, he didn't know about that stick and that
18 wound in the man's head, did he? And you didn't either.

19 MR. BOYLES: Objection.

20 THE COURT: Sustained to what he knew.

21 Q. You didn't know about this stick being up here in the
22 courtroom and nice clean wound in the head, did you?

23 MR. BEDSWORTH: Objection.

24 MR. BOYLES: Objection.

25 THE COURT: Overruled.

1 A. In 1983, I stated to Mr. Belton --

2 Q. No. No. When you wrote the statement, did you know
3 about the nice clean wound and the stick that's clean, did
4 you know that?

5 A. I was aware of the trial taking place at all.

6 Q. So you say now that everything in that statement is a
7 hundred percent true? You just said that?

8 A. Yes, under oath.

9 Q. What's that?

10 A. It's a statement.

11 Q. Whose handwriting is that?

12 A. Mine.

13 Q. When was it made?

14 A. No date on it -- 9th, 10th, '86.

15 Q. Next day after you made this one, wasn't it?

16 A. It's the same -- well, the front -- yes, it was that
17 next day, because was four o'clock in the morning.

18 Q. Read it.

19 A. "I, James R. Ford, submit this statement in reference
20 to an earlier one given to Investigator Burns on 9/9/86."

21 Q. Let me stop you. You talking about that statement
22 right there?

23 A. Yes.

24 Q. Continue, please, a little louder and a little
25 slower.

1 A. "In which I spoke of the murder of Mr. Arthur Wilson.
2 It is my contention that what I observed and stated to Mr.
3 Burns was 50 to 75 percent true and it is possible there was
4 some confusion on my part for important detail.

5 "I feel the circumstances surrounding my statement
6 related to a situation that could be interpreted (sic) as
7 being inaccurate which reflect the turn of events as they
8 actually happened pm the night in question.

9 "I find that it is hard to place myself in a
10 situation where it is a possibility I will misstate the
11 truth of what appears as being true or was not the way the
12 accident happened in court under sworn oath. Therefore, I
13 wish to have the statement which I made to Mr. Burns to be
14 withdrawn as submitted."

15 Q. You said in your own handwriting you wished to have
16 this statement withdrawn as submitted because it is only 50
17 percent true. Is that what that says? Yes or no.

18 A. No.

19 Q. Oh, okay, read it again.

20 MR. BOYLES: Objection.

21 THE COURT: Sustained.

22 Q. Well, let me read it to you, parts of it.

23 MR. BOYLES: Objection, Your Honor. Statement
24 has been read.

25 THE COURT: Well, overruled. We don't know what

1 he's going to read.

2 Q. "It is my contention that what I observed and stated
3 to Mr. Burns was 50 to 75 percent true."

4 MR. BOYLES: Objection.

5 THE COURT: Overruled.

6 Q. Does it say that?

7 A. Yes, it says that.

8 Q. "I wish to have the statement withdrawn." Does it
9 say that?

10 A. As submitted.

11 Q. Well, you submitted it like this, didn't you?

12 A. Yes.

13 Q. And you said you wanted it withdrawn?

14 A. As --

15 Q. Because it wasn't the truth?

16 A. In that form, yes.

17 Q. Exactly.

18 A. It is true. The statement is one hundred percent
19 true as far as my --

20 Q. Well, now, is the yellow statement a lie in your own
21 handwriting the next day?

22 A. The other statement is more philosophical view of the
23 first statement.

24 Q. You were feeling philosophical when you wrote that,
25 is that right?

1 Now, Mr. Ford, I believe you testified further that
2 since you testified here two or three weeks ago, that you
3 talked to Les Burns again, is that right, private detective?

4 A. Yes.

5 Q. And Sergeant McCoy and Detective Hicks came down and
6 talked to you again, is that right?

7 A. Right.

8 Q. Who else have you talked to since that time about
9 this?

10 A. Mr. Mitchell's attorneys.

11 Q. Who else? Who have you talked to from South Carolina
12 and talked to them about this case?

13 A. Well, I spoke -- I have spoken with Larry.

14 Q. All right.

15 A. Concerning --

16 Q. What about Channel 8 television in High Point?

17 A. Well, we spoke -- we didn't go into detail.

18 Q. What about the Winston-Salem Chronicle?

19 A. We spoke about my opinions of the case.

20 Q. Uh-huh, and a few other opinions, didn't you?

21 A. As far as my opinion.

22 Q. Tell me if you said this to them; I'm reading to you
23 from September 25th Winston-Salem Chronicle. Did you also
24 say: I feel the District Attorney, Don Tisdale, has a
25 personal score to settle in this case. I feel like Mitchell

1 was not the one Tisdale wants. I feel Tisdale wants Hunt
2 and he has to get Mitchell to get Hunt. Tisdale is
3 conspiring to convict Mitchell in order to fulfill a
4 personal vendetta against Hunt. I feel Tisdale wants to
5 convict Hunt before he have leaves office."

6 Did you make that statement?

7 MR. BOYLES: Objection.

8 THE COURT: Overruled.

9 Q. Did you, Mr. Ford? Would you like to look at it and
10 read it in case you didn't understand what I said?

11 A. I read the article.

12 Q. You read the article?

13 A. Yes.

14 Q. Where did you get a copy of it?

15 A. Well, Winston-Salem Police Detective McCoy.

16 Q. When they came down and talked to you, they showed
17 you that?

18 A. They showed me.

19 Q. What did you tell them about that? You made that
20 statement, didn't you?

21 A. I didn't deny I made the statement.

22 Q. Do you deny it now?

23 A. No, I don't deny it.

24 Q. All right. Did you further go on to say: I'm the
25 one in '83 who actually saw the murder. Tisdale was nowhere

1 to be found. Their, the prosecution's, credibility is no
2 better than mine.

3 Did you make that statement?

4 A. Could I read that?

5 Q. Yes, sir.

6 MR. BOYLES: Objection, Your Honor, I don't see
7 the relevance of it.

8 THE COURT: Overruled.

9 (A newspaper is handed to the witness by Mr.
10 Walker.)

11 A. That is misspoke.

12 Q. You deny that?

13 A. Yes.

14 Q. What did you tell the people in the TV station when
15 you called them over there at Channel 8?

16 A. You want to be specific about your question?

17 Q. What did you tell the people at Channel 8 television
18 in High Point when you called them a couple weeks ago?

19 A. We spoke about a number of things.

20 Q. Um-hum. You called them, too; they didn't call you,
21 did they?

22 A. Well, they axed -- they axed to -- they axed my
23 mother would I contact them.

24 Q. You're pretty well up on politics here about the DA's
25 race and problems in the Hunt case, aren't you?

1 MR. BOYLES: Objection.

2 THE COURT: Well, sustained to that.

3 Q. Isn't it a fact you think you can do this and come
4 back in this city and be a hero because of what you are
5 doing here today?

6 MR. BOYLES: Objection.

7 THE COURT: Overruled.

8 A. I'm not seeking any notoriety or publicity. I don't
9 wish to be a hero. I am only here to make my statement
10 known, make that point that I made in 1983 about this case
11 known public and to the jury for the purpose of Sammy
12 Mitchell's getting a fair trial.

13 Q. You're just being a good citizen, aren't you?

14 MR. WALKER: I have no further questions, Your
15 Honor.

16 THE COURT: Anything else, Mr. Boyles?

17 MR. BOYLES: Yes, sir.

18

19 REDIRECT EXAMINATION BY MR. BOYLES:

20 Q. Mr. Ford, you testified earlier that this statement
21 that you gave to the officers, I believe Spillman and
22 Weavil?

23 A. Yes.

24 Q. Dated the 10th of September, 1986?

25 A. Yes.

1 Q. Got a mark up here, State's Exhibit number 23, is
2 that correct?

3 A. Yes.

4 Q. Is that that statement you testified to that you gave
5 them after four hours of questioning?

6 A. Yes, sir, that's the statement that I was given -- I
7 gave --

8 Q. After they had questioned you for four hours?

9 A. After they questioned for four hours.

10 Q. And that was sometime around four o'clock in the
11 morning?

12 A. Yes, four o'clock in the morning.

13 Q. And the statement that you gave to the officers
14 saying that the first statement was 50 to 75 percent
15 accurate, is that what you testified to, concerning the
16 possibility the distance, the time, things of that nature?

17 A. Yes.

18 Q. Is there any doubt in your mind that you saw the
19 attack on Arthur Wilson on September 17th, 1983?

20 A. No, there is no question in my mind.

21 Q. Is there any doubt in your mind that that's the man
22 you saw on that occasion?

23 A. Yes. That is the man. I'm one hundred percent sure
24 that's the man. I'm one hundred percent sure about the
25 identity of the people that I saw attack Mr. Wilson that

1 night. And inaccuracy I'm speaking to is one that you
2 brought out about yardage, the distance I was from, the
3 brick, the size of the brick, what kind of brick it was, and
4 stuff like that.

5 Q. Mr. Ford in 1983, October of 1983, did you talk to
6 Officer Wilkins and Officer Belton with your attorney about
7 this, is that correct?

8 A. Yes, sir.

9 Q. It was not just this past June or July?

10 A. No.

11 Q. When you first made your information known to the
12 properties authorities?

13 A. No. I have made my information known to the proper
14 authorities only two to three weeks after the murder
15 occurred. I told them what I'm telling the Court right now,
16 in 1983.

17 (Mr. Boyles confers with Mr. Bedsworth and the
18 defendant.)

19 MR. BOYLES: That's all, Your Honor.

20 THE COURT: Step down. Call your next witness.

21 MR. BOYLES: Mr. Browder.

22 (A witness is duly sworn.)

23

24

25

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16 MS. MATOIAN: If you don't know the answer to a
17 question, because it has been a long time, all you have to
18 do is tell us you don't remember.

19 MS. DAVIS: Okay. Well, I'm -- can I start it
20 off?

21 MS. MATOIAN: Sure.

22 MR. ZIEGLER: Absolutely.

23 MS. DAVIS: Okay. There's me and Drayton, we was
24 always going Ezell's drink house on Claremont.

25 MS. MATOIAN: Ezell's, okay.

1 MS. DAVIS: Okay. So we going there every day in
2 the evening, you know. And sometime my mama used to go up
3 there. I used to go with my mama down there and, you know,
4 get her a little beer or a little drink --

5 MS. MATOIAN: Yeah.

6 MS. DAVIS: -- or something. (Inaudible). So
7 this night, particular night, me and Drayton had just came
8 -- left from my mama house because I was staying with my
9 mama. She was staying on (inaudible). So --

10 MS. MATOIAN: What was the name of that street?
11 I'm sorry.

12 MS. DAVIS: (Inaudible.)

13 MS. MATOIAN: Okay.

14 MS. DAVIS: (Inaudible.) So anyway --

15 MR. ZIEGLER: Ma'am, I'm sorry to ask this. Would
16 you mind turning the TV down? I'm just have a little
17 trouble hearing you.

18 MS. DAVIS: I can't turn it down by my remote. It
19 won't -- see, it --

20 MS. MATOIAN: Let me see if --

21 MR. ZIEGLER: Okay.

22 MS. MATOIAN: -- I can do it from right here.

23 MS. DAVIS: Yeah. It's one of the --

24 MS. MATOIAN: I think I can.

25 MS. DAVIS: Okay. So --

1 MS. MATOIAN: There we go.

2 MR. ZIEGLER: Thank you, ma'am. Sorry.

3 MS. DAVIS: -- me and Drayton went on that day to
4 the drink house. And so we had just ordered our drink. And
5 we were fixin' to go down over there, sit down there the
6 park, 13th Street Park. So then we went -- and when we went
7 in, they said, Mr. Arthur Wilson bought got the whole house
8 and want you all to (inaudible). And I said, No. I said,
9 We already got our drink plus we're not going to stay here.
10 So Mr. Arthur Wilson say, Yeah. I want to get y'all a
11 drink. I sat there a whole lot of time. I said, No, thank
12 you, sir. I said, We got ours. And we went on out the door
13 just me and Drayton.

14 And so -- and so we got on down, on down, on down
15 over by the park. Then next thing I -- I knew -- because I
16 was standing like that because we was going down there, me
17 and him, sit in the park drink our other drink. And I
18 looked. So I seen Sammy Mitchell and -- and Darryl Hunt.
19 And then I said, Lord. And they talking to Drayton and
20 so --

21 MS. MATOIAN: What were they doing?

22 MS. DAVIS: They were talking to Drayton. See,
23 they never talk and spoke and hang together.

24 The next thing I seen, Darryl Hunt knocked
25 Mr. Drayton down and, you know. And I was hollering and

1 screaming and hollering. And I ran on up there --

2 MR. ZIEGLER: Wait. I'm -- I'm sorry. When you
3 say they knocked Mr. Drayton down, are you talking about
4 Mr. Wilson?

5 MS. DAVIS: Wilson.

6 MR. ZIEGLER: Okay.

7 MS. DAVIS: I meant Mr. Wilson.

8 MS. MATOIAN: Okay.

9 MS. DAVIS: So -- and I was hollering. I -- I
10 know (inaudible). And I got back up here and I was pointing
11 and telling -- you know, I'm pointing and trying to tell
12 Paul Landingham and he was working at the bar that night.
13 And I was trying to tell him, ease in there.

14 MS. MATOIAN: Who was that?

15 MS. DAVIS: Paul --

16 MS. MATOIAN: Paul who?

17 MS. DAVIS: -- Landingham (phonetic).

18 MS. MATOIAN: Landingham?

19 MS. DAVIS: Yeah.

20 MS. MATOIAN: Okay.

21 MS. DAVIS: He's dead now.

22 MS. MATOIAN: He's dead. Okay.

23 MS. DAVIS: And so then I said, Umm, um-um, um-um,
24 um-um. And I was trying -- and I said, That man -- that man
25 just came out here. I said, That guy and them beating him.

1 And then -- now that's when the ambulance and the police
2 and, you know, and all came down and -- yeah. And the next
3 thing I know, Paul and them telling the police and them
4 telling our names and telling they seen (inaudible), you
5 know. But I can't -- where we were at, you know, street
6 or --

7 MR. ZIEGLER: Do you -- do you remember were you
8 pregnant around that time?

9 MS. DAVIS: Yeah. And I had -- I had a
10 miscarriage.

11 MR. ZIEGLER: You did have a miscarriage. Was it
12 that same -- I'm sorry to ask about something I know is
13 probably painful. Was it that same day?

14 MS. DAVIS: It was the same evening -- the night
15 this was jumped off).

16 MR. ZIEGLER: You had the miscarriage the same --

17 MS. DAVIS: Yeah.

16 MR. ZIEGLER: And did you know Darryl Hunt before
17 that day?

18 MS. DAVIS: No. I met Darryl Hunt through Sammy
19 Mitchell when Sammy Mitchell was going to -- going to the
20 drink house.

21 MR. ZIEGLER: Okay. But that day when Arthur
22 Wilson was killed, did you know who Darryl Hunt was?

23 MS. DAVIS: Uh-huh.

24 MR. ZIEGLER: Okay. And did you know Arthur
25 Wilson before that day?

1 MS. DAVIS: I met Mr. Arthur Wilson a couple years
2 through Ezell's clients.

3 MR. ZIEGLER: Okay. You met him at Ezell's drink
4 house?

5 MS. DAVIS: Uh-huh.

6 MR. ZIEGLER: Okay. And that was a few years
7 before he was killed.

8 MS. DAVIS: Uh-huh.

9 MR. ZIEGLER: Okay. That night after Mr. Wilson
10 was killed, did you ever talk about it with Merritt Drayton?

11 MS. DAVIS: What, no.

12 MIKE: (Inaudible.)

13 MS. DAVIS: The next thing Drayton knew, they sent
14 Sammy Mitchell, and they took me downtown, you know --

15 MS. MATOIAN: Right.

16 MS. DAVIS: -- and had questions and all. Uh-uh.

17 MS. MATOIAN: Am I understanding right earlier --
18 and I don't want to put words in your mouth, so correct me
19 if I'm wrong, that you and Mr. Drayton had left the drink
20 house and you were sitting in a car?

21 MS. DAVIS: Who, us?

22 MS. MATOIAN: Yes.

23 MS. DAVIS: No. I ain't said nothing about no
24 car.

25 MR. ZIEGLER: A park.

1 MS. DAVIS: Park, P-A-R-K.

2 MS. MATOIAN: Okay. And then you -- did you see
3 Mr. Drayton with -- like was Mr. Drayton with you or was he
4 with Sammy Mitchell and Darryl Hunt?

5 MS. DAVIS: He was with me at first.

6 MS. MATOIAN: Okay.

7 MS. DAVIS: And then we seen Sammy Mitchell and
8 Darryl Hunt running, you know, down there. And -- and they
9 called and they talked right there in -- on the corners, you
10 know, the sidewalk.

11 MS. MATOIAN: Okay.

12 MS. DAVIS: Yeah.

13 MR. ZIEGLER: Where -- where was Mr. Drayton -- at
14 the time that Mr. Wilson got attacked, where was
15 Mr. Drayton?

16 MS. DAVIS: Where was Mr. Drayton?

17 MR. ZIEGLER: Yeah.

18 MS. DAVIS: He was just trying -- going in his
19 pocket.

20 MR. ZIEGLER: What --

21 MS. DAVIS: And I think they told me one of them
22 took a watch out of his pocket.

23 MR. ZIEGLER: So during -- he was with Sammy
24 Mitchell and Darryl Hunt during the attack; is that correct?

25 MS. DAVIS: Yeah. I was with him --

1 MR. ZIEGLER: Okay.

2 MS. DAVIS: -- right there --

3 MR. ZIEGLER: Okay.

4 MS. DAVIS: -- in front of me.

5 MR. ZIEGLER: Okay. And did he ever tell you
6 about getting any money or anything like that?

7 MS. DAVIS: No. He ain't tell me nothin'.

8 MR. ZIEGLER: Do you remember the first time that
9 you talked to the police --

10 MS. DAVIS: No.

11 MR. ZIEGLER: -- about that?

12 MS. DAVIS: Yes, I do.

13 MR. ZIEGLER: When was that?

14 MS. DAVIS: Right up there Ezell -- by Ezell
15 house.

16 MR. ZIEGLER: Was it the same night?

17 MS. DAVIS: Same night.

18 MR. ZIEGLER: Do you remember what you told them?

19 MS. DAVIS: I told them what I just got through
20 telling y'all.

21 MR. ZIEGLER: And do you remember when Mr. Drayton
22 first got arrested or involved in the case with the police?

23 MS. DAVIS: No.

24 MR. ZIEGLER: No. Were you aware of any of the
25 things that were taken from the victim from -- that were

1 stolen --

2 MS. DAVIS: What do you mean?

3 MR. ZIEGLER: -- from -- when Mr. Wilson got
4 killed? Did you know about anything that was taken from
5 him?

6 MS. DAVIS: I had people say it was a watch is
7 all.

8 MR. ZIEGLER: Do you remember where you heard
9 that?

10 MS. DAVIS: Over there when we were, you know,
11 (inaudible).

12 MR. ZIEGLER: Did Merritt Drayton ever tell you
13 about a watch?

14 MS. DAVIS: No. He ain't never told me about
15 nothin'.

16 MR. ZIEGLER: Did you ever see him with a watch?

17 MS. DAVIS: No.

18 MR. ZIEGLER: Can you think of a reason that
19 Mr. Drayton would have told the police that you could show
20 them where he pawned a watch?

21 MS. DAVIS: What?

22 MR. ZIEGLER: Do you ever remember him taking a
23 watch somewhere and pawning it?

24 MS. DAVIS: No, I don't. I don't.

25 MR. ZIEGLER: Maybe Red -- Red Mosely's house?

1

MS. DAVIS: No.

6 MR. ZIEGLER: I will just ask you one last
7 question. Do you remember the police coming to your house
8 about an ax handle?

9 MS. DAVIS: Yeah. That's when I was hanging over
10 there on -- right over there off Patterson staying up --
11 upstairs.

12 MR. ZIEGLER: On 9th -- is that on 9th Street?

13 MS. DAVIS: Yeah.

14 MS. MATOIAN: Okay.

15 MR. ZIEGLER: Do you remember where that ax handle
16 came from?

17 MS. DAVIS: No, I don't.

18 MR. ZIEGLER: Okay.

19 MS. MATOIAN: Did you see that ax handle the night
20 that Mr. Wilson was killed?

21 MS. DAVIS: I had seen it that morning. It was up
22 -- up over by my stove. I ain't seen it then, like you
23 know, during --

24 MS. MATOIAN: When you were at Mr. Clowers' house
25 you didn't see it?

1 MS. DAVIS: No.

2 MS. MATOIAN: Okay.

3 MR. ZIEGLER: And when you say you saw it that
4 morning --

5 MS. DAVIS: I thought you said you just wanted to
6 ask me one question.

7 MR. ZIEGLER: I -- I just wanted to see if you saw
8 it by your stove that -- that morning that Mr. Wilson was
9 killed or are you talking about later on when the police
10 came?

11 MS. DAVIS: Later on when the police came when
12 Mr. Wilson was killed.

13 MR. ZIEGLER: Okay.

14 MS. MATOIAN: All right. Thank you, Ms. Little,
15 we appreciate it.

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And I used to go down
4 to Drayton house with my brother-in-law. That's how I met
5 Drayton.

6 Q. Did he go by any nicknames?

7 A. Junior.

8 Q. Junior. Did you ever hear him go by the nickname
9 "New York"?

10 A. No.

11 Q. No. Okay. And I understand that the two of you
12 had a dating relationship.

13 A. Yes, we did.

14 Q. How long were y'all together?

15 A. Not long because he liked to -- he was violent.
16 Liked to fight. And he jumped on me one time and my brother
17 and then were fixin' to jump on him. But my mama, she was
18 living at the time, being there, she told him to let me --
19 she told my brother and them to let it go.

20 Q. Did you -- did you call police when that happened,
21 do you remember?

22 A. When Mr. Drayton got killed?

23 Q. Well, you had just mentioned that he had jumped on
24 you.

25 A. Oh, no, I didn't call the police.

1 Q. Were police -- okay.

2 Did you all live together?

3 A. Yes.

4 Q. And do you recall where you lived?

5 A. We lived with my mother on Liberty Street.

6 Q. On Liberty?

7 A. Uh-huh.

8 Q. Did you ever live together on 9th Street?

9 A. Yes.

10 Q. Who else lived with you on 9th Street?

11 A. It was me and Junior and my brother-in-law.

12 Q. Was that --

13 A. Willie Little. He's dead.

14 Q. Okay. Do you recall any friends that Mr. Drayton
15 had around that time?

16 A. Well, really he ain't had no friends. Well, see,
17 I know Sammy Mitchell and Darryl Hunt, they wasn't his
18 friend 'cause, you know, they had a beef and stuff. They
19 never talked until that night Mr. Arthur Wilson got killed.
20 And me and Drayton had just -- well, we go up there to the
21 drink house every morning and every evening and that night.
22 And so that night, we went down there, me and Drayton went
23 to Mr. Ezelle Clowers' drink house. And the house was full,
24 so I went straight to the bar -- and Drayton was standing
25 behind me -- to get us something to drink 'cause we was

1 going to walk down there to the park and sit in the park.
2 So we -- I had got two beers and a wine. And the wine was
3 for Drayton because I don't drink wine. And but he had a
4 beer and I had a beer. By the time we got down there to the
5 bottom of the hill, I seen Sammy Mitchell and Drayton, they
6 -- I mean not Drayton -- Sammy Mitchell and Darryl Hunt.
7 They was running out there in the street. And so Drayton
8 was -- we were standing there talking to them. And the next
9 thing I seen a man come walking down the street from -- like
10 coming from the drink house. Because Mr. Ezelle Clowers
11 said that Mr. Arthur Wilson had a sister or a niece or
12 somebody sitting down there by the park.

13 And so before we got to the park, the corner right
14 here and the curve you got to step up on to walk on the
15 sidewalk, we was right there. And then I seen -- when Dray
16 -- I mean Darryl and Sammy Mitchell ran out. One of them
17 knocked Mr. Drayton down. The next thing I know, I seen
18 Sammy Mitchell kicking and -- and beating. Darryl Hunt was
19 standing over him. The next thing I know, I seen Sammy
20 Mitchell and Drayton leaned over getting his -- going in --
21 one of them was going in his pocket and one was kicking him.
22 And I tried -- I couldn't run then. I was having problems
23 with my leg then. I tried to run up the hill to the drink
24 house. I finally got to the drink house. I was out of
25 breath. And I just started pointing, pointing down, you

1 know, the street. So I told Ezelle Clowers, Come on and
2 let's go on the front porch. We went out on the front
3 porch. That's when everybody seen the ambulance and the
4 police going down there. Then they start going down there.
5 I ain't go down there. I just stayed up there and stayed on
6 the porch until Ezelle and them came back, you know.

7 And the next thing I know, they saying, They
8 killed that man. They killed that man.

9 I said, Yeah. 'Cause me and Drayton was going
10 down there to the park because they got a benches you
11 sitting on and you have a table. And we was going to go
12 down there and sit at the table because we had light, you
13 know, and it was dark.

14 And Mr. Arthur Wilson had came in the kitchen
15 where I was at, me and Drayton was at. Paul Laningham was
16 serving the people, you know, serving the drinks. And
17 everybody was telling us, Go ahead and get a drink. Go
18 ahead and get y'all a drink, a beer, whatever you want.

19 Then Mr. Arthur Wilson came in there and told me
20 and Drayton, go ahead and get what we want.

21 I said, No, thank you, sir. I said, I just bought
22 us two beers and a drink 'cause Drayton had drunk the drink
23 before we went down there. And we went on out the door, you
24 know, and started walking on down there. That's all I know.
25 That's all I seen, you know.

1 Q. Okay.

2 A. 'Cause I didn't go down there.

3 Q. I do have some questions for you about that night.
4 But before we get to that, I have some other questions about
5 earlier and about Mr. Drayton.

6 You said that he didn't really have any friends.
7 And I don't want to put words in your mouth, so please
8 correct me if I'm misunderstanding, but did you say that he
9 was not friends with Sammy Mitchell?

10 A. No. They -- they never did talk, him or Darryl
11 Hunt.

12 Q. Okay.

13 A. Until that night. And they stood right there in
14 Ezelle house and talk.

15 Q. Okay.

16 A. 'Cause I said to myself, What they talking about?
17 And then when we left out the door, I asked Drayton what
18 they was talking about. And he never did tell me what they
19 were talking about. So I didn't bother about asking no
20 more.

21 Q. Okay. And you mentioned that he had another
22 girlfriend around that time, that Drayton had another
23 girlfriend?

24 A. Yeah. She was playing -- I forgot her name.
25 Neecy, her name was Neecy.

1 Q. Okay. Do you remember someone named Yvette
2 Johnson?

3 A. No, I don't.

4 Q. You don't remember her. Okay.

5 A. No. I don't know her, period.

6 Q. Okay. And you mentioned earlier that you knew
7 Drayton to be violent?

8 A. Yeah. He always been violent. 'Cause he had
9 broke my arm one time. And we was on 19th Street. And it
10 was a drink house up there. And this old man named Donut,
11 Mr. Donut, he was an old man. And you had to go up the
12 stairs, you know, and go into the drink house. And Drayton
13 had got mad at somebody. And then me and him got to arguing
14 and he broke my left arm.

15 Q. Did you know him to be violent with anyone other
16 than you?

17 A. Not -- not -- me and the girl that he supposed to
18 be having a baby by. And there was a man (inaudible), and
19 so it wasn't his baby.

20 One night he brought the baby to my -- she brung
21 the baby to my mama house for Drayton to keep. And the baby
22 had messed, you know, boomboom. And he tried to get me to
23 change the baby. At first I wouldn't. But I went on and
24 changed the child 'cause it wasn't nothing but a baby, you
25 know. So I washed him down there and -- and I put the

1 diaper on him, put a little, you know, powder on and
2 everything.

3 Yeah, he always been violent 'cause he drewed a --

4 Q. Was -- was he ever violent with anyone other than
5 girlfriends?

6 A. Now, I don't know. But I know he drewed a carjack
7 on my mama. And I was there in the inside -- no, on the
8 outside talking to her. I forget the lady name. And my
9 mama came out the drink house crying. And I asked her
10 what's wrong with her. She said Drayton drewed a carjack on
11 her.

12 And my brother was sick like I am now, Hanky
13 Thompson. He came and he asked my mama, and our mama told
14 him, yeah -- she was still crying. And my brother walk up
15 to him and told Drayton, say, You don't be pulling that on
16 my mama 'cause, man, I can hurt you. That's my mama.

17 And then Drayton told him he didn't do -- he
18 didn't pull nothing on -- no carjack on her.

19 I said, Well, she ain't got no reason to lie. And
20 she was crying. And my brother told him again, if he do it
21 again, he was going to get him. But Drayton never did, you
22 know.

23 Q. Do you recall a time where Drayton went to prison
24 for burning a building?

25 A. No. I ain't known him them.

1 Q. In the time you knew him, did he ever go to prison
2 and then get back out of prison?

3 A. Not as I know.

4 Q. Okay.

5 A. Excuse me.

6 Q. Sure. And I think you already answered this, but
7 other than the night that Mr. Wilson was killed, did you go
8 to Ezelle Clowers' drink house?

9 A. The same night?

10 Q. Other than that night. Is that a place you would
11 go regularly?

12 A. No. That's the only place I would go. I ain't
13 too much to Donut house.

14 Q. Had you been -- had you been to Ezelle Clowers'
15 house before?

16 A. Yes. Because Ezelle Clower (sic) wife was my play
17 mama. And my little girl, Peona (phonetic), godmother. We
18 used to go down there every day. Ezelle house -- drink
19 house they had, I used to go to.

20 Q. So you would go there every day?

21 A. Yeah.

22 Q. Was it usually the same people who would be there?

23 A. Sometime. And sometime it'd be different people.
24 But most the time it'd be the same people.

25 Q. Okay. Who were some of the people that you would

1 see there all the time?

2 A. John Junior Clower, Barbara. I forgot her last
3 name. She's dead. Paul Landingham. I used to talk to him,
4 oh, after Drayton. And who is that? Paul Landingham and
5 Patricia, this girl named Patricia. And it was a lot of --
6 Darryl Hunt, Sammy Mitchell, Drayton, me. Sometime my mama
7 go down there with them.

8 Q. So it would usually be the same folks that would
9 be there?

10 A. Uh-huh.

11 Q. Okay. What -- what would people do there?

12 A. They just drink -- drink and walk around and talk.

13 Q. Did they --

14 A. They talked to Ezelle and his wife, you know.
15 Then they'd go back in there and clean the kitchen.

16 Q. Is there anyone else that would help Ezelle run
17 things?

18 A. Like run what?

19 Q. Like just to run his drink house and sell liquor.

20 A. Nobody but Paul Landingham. He had a (inaudible)
21 named Larry. He's dead. And some of -- his wife -- wife
22 Ma Red, you know, that's all.

23 Q. Do you remember someone named Mary Smith?

24 A. Mary Smith, no.

25 Q. Do you remember Mr. Drayton getting arrested for

1 pushing someone down some stairs?

2 A. Oh, yeah. There -- excuse me. This white girl.
3 That's name -- yeah, Mary, yeah. That's when I'm staying on
4 9th Street. And she was -- she was going with my
5 brother-in-law Willie. And she had came up there drunk.
6 She was drunk. And one time she was about to fall down the
7 steps and I caught her. And the girls, they needs --
8 (inaudible) 'cause we -- I was over to her -- her house and
9 the girl was doing my hair. And then we were fixin' to walk
10 up there to the Citco right up the street to the store. And
11 I asked Mary did she want to go with us. And she said, no,
12 she was going to stay there and -- stay there and talk to my
13 brother-in-law.

14 When me and the girls came back, we getting closer
15 and closer, and I said, Something white laying on the
16 sidewalk. She had on all white clothes. And so we got
17 closer and closer. And, you know, you had to put your feet
18 up on the step. They go up. I look. I hollered and I
19 screamed. So my brother-in-law came to the step. I say,
20 Drayton, you done killed this woman. 'Cause he kept telling
21 her -- before we went to the store and she kept talking to
22 him and he told her to stop talking to him. And then when
23 me and the girl came back, that when we found her laying
24 there dead, one leg up on the step and her head was on the
25 cement and she was laying here like that.

1 Q. Were you there to see what happened?

2 A. No, I wasn't.

3 Q. Okay. Did Drayton ever talk to you about what
4 happened with Mary Smith?

5 A. No.

6 Q. Was he nervous about getting charged?

7 A. I reckon he was because he know he was going to
8 get charged.

9 Q. Did the two of you live together at that point?

10 A. When that -- yeah. He was staying with me. Me
11 and my brother-in-law, that was my place.

12 Q. And so you and Drayton and Willie Little lived
13 together on 9th Street?

14 A. Yes.

15 Q. Okay.

16 A. And that was my brother-in-law. He had married my
17 older sister, but they was divorced.

18 Q. Okay.

19 A. And he had nowhere to stay. But he was staying
20 with Drayton and them, too, down there on -- what's that --
21 20th Street. Drayton and then the girl he -- somebody named
22 Neecy. He supposed to be having a -- had a baby by him. My
23 brother-in-law was staying with them down on 20th Street.
24 And she was pregnant and he used to jump on her and beat on
25 her in front of me.

1 Q. And when you say "he", who are you talking about?

2 A. Drayton.

3 Q. Did he ever talk to you about being nervous about
4 getting charged for Mary Smith?

5 A. No. Uh-uh. He ain't never talked to me about
6 anybody, Darryl Hunt, or nothing about charge, none of that.

7 Q. Did he -- did he ever say anything about he was
8 going to try and help himself?

9 A. No, he did not.

10 Q. Okay. So I want to -- I want to go now to the day
11 -- the day that Arthur Wilson was killed.

12 Do you remember when that happened? Mary Smith
13 was killed on the stairway and Arthur Wilson was killed --

14 A. In the street.

15 Q. Right. Do you remember when those two things
16 happened in relation to each other?

17 A. No.

18 Q. If I tell you that Arthur Wilson was killed about
19 two and a half years before Mary Smith, does that sound
20 right?

21 A. Yeah.

22 Q. Okay. So I want to go now back to the time to the
23 day that Arthur Wilson was killed.

24 Before you went to the drink house, is there
25 anything that you remember about that day?

1 A. I ain't seen Arthur Wilson. I had just left home.

2 Q. Did anything happen with you personally that day?

3 A. No. What supposed to happen?

4 Q. Well, I apologize for asking about something
5 that's very personal, but we had some information that you
6 had had a miscarriage that day.

7 A. Oh, yeah. Not that day. I was pregnant though.
8 But not that day. I didn't have no miscarriage. I think it
9 was -- I think it was (inaudible). I think it was
10 (inaudible).

11 Q. So the day that Arthur Wilson was killed, were you
12 pregnant?

13 A. Yeah.

14 Q. Did you have a miscarriage that day?

15 A. I just remember.

16 Q. Okay. And I'm -- I'm not trying to trick you or
17 anything. I'm just trying to understand based on our
18 information.

19 A. I just remember.

20 Q. Did you go to the hospital or anything when that
21 happened?

22 A. Uh-uh.

23 Q. No. Okay.

24 If Merritt Williams Drayton said he remembered the
25 day of the murder because it was the day that you lost your

1 baby, is that accurate?

2 A. He ain't never said.

3 Q. He did say that?

4 A. No, no. He ain't never said. But I remember he
5 had told Teresa -- well, Teresa never told us that --

6 Q. When you say Teresa, is that the detective?

7 A. Yes.

8 Q. Okay.

9 A. That I was pregnant. 'Cause that day when we ate
10 lunch, you know, they brung us lunch, they brought me milk,
11 you know, 'cause I was drinking milk.

4 Q. Okay. So you and Mr. Drayton were at the corner
5 of 17th Street and Claremont?

6 A. Uh-huh.

7 Q. And what happened next?

8 A. The next thing I seen Darryl Hunt and them -- like
9 I said, running out this -- out toward -- out by the -- by
10 us. We still walking in the -- out -- in the street 'cause
11 I always walk in the streets.

12 Q. Where did you --

13 A. And I always look back --

14 Q. -- them run?

15 A. -- you know.

16 Q. Where -- where did see them run?

17 A. They was running from, you know, like that way,
18 18th Street, that street right there.

19 Q. Were they running on 18th Street?

20 A. They was running from out 18 Street down there by
21 us and then they stopped.

22 Q. And when you say "they," who are you talking
23 about?

24 A. Sammy Mitchell and Drayton.

25 Q. Sammy Mitchell and Drayton?

1 A. Yeah. And they stopped.

2 Q. When -- when did Drayton get to be with Sammy
3 Mitchell if he was with you on the corner?

4 A. That was the first time -- me and Drayton was
5 together the whole -- all day that day because he was
6 staying up there with me to my mother house. And that
7 morning I got up, we ate breakfast and washed up, put on
8 clothes. And now we were sitting -- I was sitting there
9 talking to my mom and her boyfriend. 'Cause my mama
10 boyfriend was working for Verde's Grille, take his trash,
11 you know, take the trash out to the dumpster and Verde --
12 and he mopped. My stepdaddy mopped. And Verde's pay him.

13 Q. Okay. Taking you back to that moment though when
14 you and Drayton left the drink house and you walked down to
15 the park --

16 A. Uh-huh.

17 Q. -- at the corner of 17th Street and Claremont --

18 A. We were walking, that's when Sammy Mitchell and
19 Darryl Hunt ran out.

20 Q. So Sammy Mitchell and Darryl Hunt running
21 together?

22 A. Yeah.

23 Q. Okay. And was Drayton still with you?

24 A. Yeah. We were still walking.

25 Q. Okay.

1 A. And then Drayton stopped. And him and Sammy
2 Mitchell and Darryl Hunt was talking. And then that's when
3 Mr. Arthur Wilson was coming on down and --

4 Q. So just -- just so I --

5 A. -- Sammy --

6 Q. -- just to make sure I understand you, the three
7 of them were talking outside?

8 A. Yeah. Down there by the park.

9 Q. And that was before Mr. Wilson came?

10 A. Before they killed him. When Mr. Wilson was
11 coming down the hill, they were standing there talking. I
12 was going back and back, you know, like that. And I -- I
13 said, you know, I'm fixin' to go back up to the apartment --
14 I mean up to the drink house. But I didn't mean that. I
15 told Drayton I was fixin' to go back up to Ezelle. He said,
16 No, we're going together. So me and him --

17 Q. I'm sorry, he -- he said you're going where?

18 A. Together.

19 Q. Together.

20 A. Go up there to Ezelle Clowers, yeah. So when
21 Mr. Arthur Wilson passed by us, came right by, that's when
22 Sammy Mitchell took and pushed him, because he was real
23 drunk. That man was real, real drunk. And he fell and hit
24 the ground. And that's when I seen Darryl Hunt was doing
25 like this looking at him. And Drayton and Sammy Mitchell

1 was checking his pockets. And Sammy Mitchell had got his
2 watch off his arm. He had a gold watch on his arm. And I
3 was trying to run up the hill because I can't run. But I
4 finally made it up there.

5 Q. Did --

6 A. And I started pointing. I -- 'cause I had to go
7 back through the back door.

8 Q. Did you see Mr. Mitchell take the watch?

9 A. Yeah. It was a gold watch.

10 Q. Do you remember when Catherine and I were here a
11 few weeks ago?

12 A. Uh-huh.

13 Q. I think you told us then you didn't know anything
14 about a watch.

15 A. No. I didn't say I didn't know nothing about no
16 watch.

17 Q. Okay. So you saw Sammy Mitchell take a watch; is
18 that right?

19 A. Yeah.

20 Q. Okay. So then you went back up to the drink
21 house.

22 A. And I was trying to tell them -- I couldn't talk.
23 I started pointing. I went through the back door. Paul
24 Landingham was still sitting behind the bar.

25 Q. Did you go straight up Claremont to get back to

1 the drink house?

2 A. Yeah.

3 Q. Did you see anyone else outside?

4 A. No.

5 Q. Okay.

6 A. I ain't seen nobody. And so when I went in, I'm
7 doing like this. So Paul was asking me -- I couldn't talk
8 then. Then he gave me some water and I took a minute before
9 I could tell him. I say, They're down there and I think
10 they're going to kill that man, that man.

11 So Ezelle said, Who?

12 I said, The man just left from out here. 'Cause
13 see, I didn't know Arthur Wilson's name. That's the first
14 time I ever seen that man.

15 Q. What made you think he was killed if he was --

16 A. 'Cause the way they -- 'cause he was really,
17 really drunk. And Sammy Mitchell ain't do nothing but do
18 like this one time and he fell down. And then I ain't seen
19 him moving or nothing, you know. I see them looking at him.
20 I said, You know they seeing if he's getting up and stuff.
21 I ain't seen him move or nothing.

22 Q. Did you see anyone kicking Mr. Wilson?

23 A. I seen Sammy Mitchell.

24 Q. Is he the only one that you saw kicking?

25 A. Uh-huh.

1 Q. Did you see anyone hit him with any objects?

2 A. No, I ain't seen no kind of weapon because I was
3 gone.

4 Q. Uh-huh. And when you went back up to the drink
5 house to say that you thought they killed that man, who did
6 you see up there when you went back?

7 A. It was Paul Landingham. It was Ezelle Clowers,
8 John Junior Clower. It was Barbara. That John Junior
9 girlfriend, was John Junior girlfriend.

10 Q. Was that Barbara Bason?

11 A. Yeah. And who else? It was a lot of them up
12 there.

13 Q. And what did they say when you told them what you
14 just saw?

15 A. They -- they all started running down and -- was
16 running down there. And they heard the ambulance and the
17 police.

18 Q. Did you call out Sammy Mitchell and Darryl Hunt
19 and Merritt Drayton's name when you got up to the drink
20 house? Did you --

21 A. Yeah. Yeah.

22 Q. So everyone from the drink house ran down to the
23 ambulance?

24 A. Down there. I didn't go back. I stood -- I stood
25 right there on the porch, sat down there on the step 'til

1 Ezelle and all them came back.

2 Q. And what happened when they came back? Did
3 police --

4 A. They was talking about it.

5 Q. Did police come back --

6 A. The police -- the police was taking -- they took
7 me first, was questioning me.

8 Q. And you're talking about that night?

9 A. Yeah.

10 Q. Okay.

11 A. They -- they -- they -- they pulled Drayton away
12 from me and put Drayton in the car. Sammy Mitchell -- I
13 mean -- yeah, Sammy Mitchell and Darryl Hunt in a car. And
14 then they came back and they pulled me.

15 Q. How do you know they put those three in the car?

16 A. 'Cause we seen it. They seen it. Well, I didn't
17 see it. They seen it, the rest of the people. They say --
18 they say, Yeah. They -- they is going to jail for a long
19 time for killing that man. That's what all of them kept
20 saying.

21 And then I said, Yeah, they sure is. I said, I
22 hate that that happened and I seen it, you know. And then I
23 told them, I said, Well, I know I better get ready for court
24 'cause they're going to pull me up in court 'cause I was the
25 one that seen that. I was there when it happened, you know.

1 Q. And did you tell anyone that night?

2 A. Nobody but the people who was at the drink house,
3 that's all.

4 Q. Okay. Did you --

5 A. I didn't even sleep that night.

6 Q. After -- after Sammy and Darryl and Merritt
7 Drayton were put in police cars, did -- did you see police
8 talk to anyone else?

9 A. No. I wasn't really paying no attention.

10 Q. Did police --

11 A. But they told me -- Barbara and John Junior and
12 them told -- and Ezelle and them said, Well, we got -- I
13 gotta go to court. And then I --

14 Q. Did you talk to police that night?

15 A. The police -- I think the police talked to all of
16 them that went down there.

17 Q. Does that include you?

18 A. Yeah, they talked to me. I'm the first one that
19 talked to them.

20 Q. Okay. Do you remember what you told them?

21 A. I told them the same thing I'm telling y'all.

22 Q. Do you remember anything about the police that you
23 talked to?

24 A. Huh?

25 Q. Do you remember were they wearing uniforms or

1 suits?

2 A. They was in their uniform. The uniform they'd be
3 wearing them.

4 Q. And was it -- was it a male officer or a female?

5 A. It was Teresa and --

6 Q. Okay.

7 A. -- Hickman.

8 Q. So your -- your recollection right now is that you
9 talked to Teresa Hicks that night?

10 A. And whatever his name is, Spill something.

11 Q. Spillman?

12 A. Yeah.

13 Q. Was that a Detective Spillman?

14 A. I call him Spillman, yeah.

15 Q. Okay. Okay. Did you know Sammy Mitchell before
16 that night?

17 A. I had seen him because his mother was staying
18 across the street from me and so pink -- our apartment. And
19 I think he was staying with them. But --

20 Q. Did you know --

21 A. -- I had seen him a couple times at Ezelle drink
22 house.

23 Q. Did you know anything about him?

24 A. No.

25 Q. Did you know Darryl --

1 A. Only thing I know, he had a twin. It was three
2 boys and he was a twin to one of them.

3 Q. Did you ever hear about him jumping on people or
4 stealing?

5 A. They say he used to jump on people, rob people. I
6 don't know.

7 Q. You don't know?

8 A. Uh-uh.

9 Q. Okay.

2 Q. Did you ever hear what happened to the watch?

3 A. No.

4 Q. Can you think of a reason why Mr. Drayton would
5 tell police that you could take them to the pawn man where
6 he pawned the watch?

7 A. No. I -- I don't know.

8 Q. Do you know anything about him pawning a watch or
9 having a watch?

10 A. No. Not that I know.

11 Q. Okay. So I want to skip ahead now from that night
12 and talk about your interactions with the police and the
13 investigation.

14 When did you first hear about Mr. Drayton's name
15 getting involved?

16 A. The same night.

17 Q. The same night. Okay.

18 A. Uh-huh.

19 Q. Do you -- is it your recollection that he got
20 arrested that night?

21 A. Yeah. All three of them.

22 Q. Okay. So I will tell you that it was about two
23 and a half years after the crime before Mr. Drayton ever got
24 arrested. Does that sound -- does that sound right to you?

25 A. Now repeat that again.

1 Q. Nobody was arrested the night Mr. Wilson was
2 killed. And two and a half years later in -- it was 1983
3 when Mr. Wilson was killed. And 1986 is the first time that
4 there is documentation of Mr. Drayton --

5 A. Well, that might --

6 Q. -- was involved.

7 A. -- that might have been when he got raped -- I
8 mean, excuse me, arrested.

9 Q. Did you hear about how his name first came up?

10 A. No.

11 Q. If I tell you that after Mr. Drayton was arrested
12 for Mary Smith -- this is the woman who was pushed down the
13 stairs --

14 A. Okay.

15 Q. After --

16 A. They pulled me -- the police when she got -- he
17 got arrested for that, okay. I was at home. And Drayton
18 was there and my brother-in-law was there. And they was
19 talking to me and I -- and then they say, Can we talk on the
20 porch?

21 And I said, Yeah.

22 So they say, We're want to talk to you. So they
23 drove me around and they was talking to me. But they drove
24 me back home.

25 Q. So after he was arrested for Mary Smith from the

1 jail --

2 A. Uh-huh.

3 Q. -- Mr. Drayton started to talk about Arthur
4 Wilson.

5 A. He didn't talk about Arthur Wilson to me.

6 Q. And that's the first time that there's anything in
7 the file about his name coming into it was a few years
8 later.

9 A. I reckon. I don't know. It's been so long.

10 Q. Did you --

11 A. But I know he never did talk --

12 Q. He never talked to you?

13 A. -- to me about Arthur Wilson or Sammy Mitchell or
14 Darryl Hunt.

15 Q. Did you visit him in jail?

16 A. I think I went down there one time.

17 Q. One time?

18 A. I think so. And I -- if I'm not making a mistake,
19 I think I went.

20 Q. Do you remember why you visited him?

21 A. If -- if I went, I -- I just wanted to see how
22 he's doing, you know.

23 Q. Do you remember what you would have talked about?

24 A. We were just talking about meeting, yeah.

25 Q. Did you talk about his case at all?

1 A. No. We didn't talk about no case at all, period.
2 He just stayed to hisself, you know.

3 Q. Do you remember him ever writing you any letters?

4 A. He ain't write me no letters.

5 Q. You don't remember any letters?

6 A. He didn't write not letters. He ain't send
7 letter, no picture, nothing.

8 Q. You mentioned that you talked to the police. Do
9 you remember talking to the police about this case?

10 A. Uh-huh.

11 Q. Did you feel like you were talking to them by your
12 own choice?

13 A. On my own?

14 Q. Yes, ma'am.

15 A. In a way, no, because they would question me and
16 stuff, you know. Then they'd pull me off. And, you know,
17 which I was there when it happened, but I didn't have
18 nothing to do with it because I didn't know Arthur Wilson,
19 period. And I didn't fool with Sammy -- Sammy or Drayton
20 (sic). You know, I ain't even speak to them. When they
21 come to the drink house, I never did spoke to them.

22 Then one time Paul -- Paul Landingham, and he was
23 working up there to the Goodwill, you know, and he'd drive
24 their trucks and stuff home on his lunch break, he came by
25 there, and I was down there to Ezelle house drinking. And I

1 was sitting on the porch. Me and -- I forgot who it was --
2 we were sitting out there drinking a beer. So Sammy
3 Mitchell came out -- up, him and Darryl. Well, Darryl went
4 on in the house.

5 Q. Are you talking about the same night?

6 A. Huh?

7 Q. Are you talking about the same night or a
8 different night?

9 A. No. A couple nights after.

10 Q. Later. Okay.

11 A. Yeah. And so Darryl Hunt went on in the house.
12 So me and the person, we were still sitting out there
13 drinking the beer and talking. 'Cause, you know, Ezelle had
14 chairs on his porch. You could sit out there on -- on the
15 porch. And so Darryl -- I mean not Darryl -- Sammy Mitchell
16 came up and he said, Yeah, her a snitcher. We ought to get
17 her. And so when Paul Landingham came by, I told him.

18 Q. Was he talking about you?

19 A. Yeah. And Paul Landingham came by and I told him.
20 So Paul Landingham came -- I mean to court, tears rolled my
21 eyes like this. He me what's wrong. And I told him what
22 Sammy Mitchell said. Then he told Sammy Mitchell, said, he
23 wasn't going to do nothing to me. And if he did, he did,
24 you know. And told him, even (inaudible). And he didn't
25 say nothing else to me, but he kept watching me everywhere I

1 moved.

2 Q. Have you -- have you ever told anyone about that
3 before?

4 A. Uh-uh.

5 Q. Why not?

6 A. I just didn't. I just told Paul.

7 Q. When you were talking to police, did they ever
8 tell you that you would be charged if you didn't help them?

9 A. I think they said -- I don't think they can say
10 help them. I think they said I could be charged because I
11 seen this crime.

12 And I said, Why -- why should I be charged and I
13 hadn't did nothing? And I told them, I said, I don't think
14 that's fair because you charged them, don't try to charge me
15 because I ain't did nothing. I was going to the park.
16 Really me and Drayton what I told them.

17 Q. Were you ever promised any kind of benefit if you
18 were to help them?

19 A. To the police and them?

20 Q. Yes, ma'am.

21 A. No. But Barb and John Junior and them saying,
22 What we're going to get out of this? Because we had to go
23 to Hickory too. They placed us in a motel. And I think
24 Darryl Hunt and them was down there in Hickory then. Now,
25 when we went to court, we -- I don't remember seeing them,

1 you know. But Barb and them and John Junior on the stand.
2 What time -- what we going get out, you know, being a
3 witness? And I think a lady told them they'd pay for
4 something while we was in court or something.

5 And they told us, saying -- (inaudible), I'm not
6 going down there. I'm not going down there 'cause I had to
7 know the guy that was with me. And personally, I was
8 babysitting for my niece. I was keeping her baby.

9 So a friend of mine, the dude -- now, I hadn't
10 stopped talking to Drayton. Then me and this dude, called
11 him and I said, I'd try to -- you know, I miss him and I'd
12 talk to him. I was going to Drayton and them come -- I
13 mean -- he'd be in there too. And he had got weird and
14 stuff, you know.

15 Q. Did --

16 A. That's when I said, no, Not -- and then Sammy
17 Mitchell and them going to be down here. And they said,
18 Well, we going to put y'all in a motel. Just me and Barb
19 had a motel together and the rest of them had a motel. Some
20 of them had motels together and some of them didn't.

21 Q. You and Barbara had a motel together?

22 A. Yeah. And they bought --

23 Q. Did anyone --

24 A. -- us food. And -- and he said he bought them --
25 bought Barbara beer, you know.

1 Q. And this was when you were going to testify in
2 Hickory?

3 A. Yeah. In --

4 Q. Okay.

5 A. -- Hickory.

6 Q. Okay.

7 A. And they bought me cigarette and then he --

8 Q. Do you --

9 A. -- gave us money and got us something to eat.

10 Q. Okay. Do you remember before you were ever going
11 to go to court, but just when you were talking with police,
12 did they -- were you ever offered any benefit to help out?

13 A. Uh-uh.

14 Q. Okay. Did they --

15 A. When I first went to court --

16 Q. I'm talking about be -- before --

17 A. -- I was at home.

18 Q. -- court.

19 A. Oh, no.

20 Q. No.

21 A. Uh-uh.

22 Q. Did anyone ever say anything about helping you get
23 your kids back?

24 A. Uh-uh.

25 Q. Okay. So I'm going to show you some notes that

1 are from April 11th --

2 A. I can't see too good.

3 Q. Okay. I'll -- I'll read through them with you.

4 A. Okay.

5 Q. This is the first day that there's ever any
6 documentation of you talking with the police. I'm going to
7 mark this Number 91.

8 (Exhibit Number 91 was introduced.)

9 A. Uh-huh.

10 Q. And it's the bottom part that I'm looking at
11 starting right here. And those are the Detectives names on
12 the top, Detective Weavil and Detective Hicks. And it says
13 "Mattie Mae Interview." Do you see that?

14 A. Yeah. I see "Mattie Mae interview."

15 Q. Okay. So this is the first time that there is
16 ever any documentation of police talking to you about this
17 case. And this is two and a half years after the murder.

18 A. Uh-huh.

19 Q. And as I read down, it has your address, 345 East
20 9th Street.

21 A. Uh-huh.

22 Q. It says "See statement." And then below that it
23 says:

24 "At first denied seeing anything."

25 A. No. I -- excuse me. I haven't denied nothing. I

1 didn't deny nothing. I told them what happened and just sat
2 down -- I'm telling y'all now, I haven't denied nothing.

3 Q. So you don't ever remember telling police that you
4 didn't see anything?

5 A. No, no. I didn't -- I know for a fact that I
6 didn't not tell no police that I did not see nothing. I
7 told the police then I was down there when it happened. And
8 I turned around and was trying to run up the hill and I
9 almost fell, so I started walking. No, I ain't never told
10 them I ain't never seen nothing, no. So they lying on their
11 part.

12 Q. Okay. Did you ever talk with Drayton, maybe when
13 you visited him in jail, did you ever talk with him about
14 what you would say to police?

15 A. No.

16 Q. Was there --

17 A. We didn't talk about the case none when he was in
18 jail.

19 Q. Was there ever a time that police put you in a
20 room with him?

21 A. No. Ain't no police put me in no room with him,
22 no.

23 Q. You were never put in a room with Mr. Drayton?

24 A. I know they didn't.

25 Q. Okay. Do you remember when you were talking with

1 police ever signing a statement that was written out?

2 A. Yeah.

3 Q. Yeah. Do you remember who wrote that statement?

4 A. No.

5 Q. Did you write it?

6 A. No.

7 Q. Okay. Do you remember did you sign it at the
8 beginning or at the end of when you were talking with them?

9 A. No. I don't remember.

10 Q. Okay. Did anybody talk to you about what they
11 were writing in the statement?

12 A. No.

13 Q. Do you remember before you signed it did you read
14 it and make sure everything was right?

15 A. No. 'Cause see, I can't read too good.

16 Q. Okay.

17 A. Yeah. 'Cause see, what they was -- you know, when
18 they were telling me -- they were telling me stuff, I don't
19 know, like mouth to mouth, like we doing now --

20 Q. Uh-huh.

21 A. -- they never gave me no paper to read, 'cause
22 see, I can't read too good.

23 Q. Okay.

24 A. See, I'm straight up with everything, you know,
25 the court thing, the reading, talking to people, you know,

1 who talked to me about it. Nobody ain't talk about it, but
2 you know, the one -- the crew that went down there try to
3 get some money, you know, said that they seen me. And they
4 wasn't down there when it happened. And I had told Teresa
5 and them that, too.

6 Q. Tell me --

7 A. I said --

8 Q. Tell me a little bit about that. When you say
9 they weren't down there when it happened, who are you
10 talking about?

11 A. Barb, Ezelle, all them from the drink house. When
12 they jumped off, weren't nobody down there but me, Drayton,
13 Sammy Mitchell and Mr. Arthur Wilson was laying in the
14 street. That's all was down there. The rest of them people
15 wasn't down there. Wasn't nobody walking the street down
16 there or nothing. We ain't see nobody, nobody. We the only
17 one was down there.

18 Q. Did Barbara see what happened?

19 A. No. They -- they didn't know what happened until
20 I ran up there and told them. And then that's when all of
21 them started running down there.

22 Q. Did you know -- are you aware that Barbara
23 testified at trial that she saw what happened?

24 A. I think I do remember.

25 Q. So would that --

1 A. But I wasn't paying no attention to what they were
2 saying.

3 Q. Would that -- would that be a lie?

4 A. Yeah.

5 Q. Did it --

6 A. All of them are -- all of them was a lie --
7 telling a lie. All of them 'cause wasn't none of them down
8 there. Nobody but me and Drayton and Sammy Mitchell and
9 Darryl Hunt and Arthur Wilson. All of them went running
10 down there just for the money.

11 Q. When you say "for the money," what do you mean?

12 A. Like the -- send -- they send us a check out, you
13 know, for our testify. They pay the witness, yeah.

14 Q. Okay. Did you know that Patricia Williams
15 testified and said that she saw it?

16 A. Yeah. But none of them didn't see it. And I had
17 told Teresa and Spillman.

18 Q. Did you tell them that it was a lie, that
19 (inaudible)?

20 A. Yeah. I said, Wasn't nobody down there but me,
21 Darryl Hunt, Sammy Mitchell, and Drayton. And then they
22 kept saying, Okay. Okay.

23 I said, Well, why are y'all having all the rest of
24 them coming in court and they didn't even see it? Even Paul
25 Landingham ain't see it. Ain't none of them. Ezelle, none

1 of them ain't see it.

2 Q. Do you remember a time during the investigation
3 when you went with police and with Mr. Drayton to your
4 apartment on 9th Street?

5 A. Yeah. And they found an ax hammer in my house.
6 And I didn't even know that was in there.

7 Q. Okay. Do you know where that ax handle came from?

8 A. No, I do not.

9 Q. Had you ever heard anything about it coming from
10 your brother Thomas Thompson?

11 A. No.

12 Q. Okay.

13 A. And he's dead. My brother Thomas Thompson was
14 nowhere around. That's my baby brother.

15 Q. Was he friends with -- with Sammy Mitchell?

16 A. No. Sammy Mitchell or Drayton or Darryl.

17 Q. Did you ever hear anything about the ax handle
18 coming from Willie?

19 A. Willie who?

20 Q. I believe Willie Little.

21 A. What ax handle?

22 Q. The ax handle that they found in your apartment.

23 A. I don't know.

24 Q. You don't, okay.

25 A. I ain't heard.

10 Q. Why did you decide that you would do that, that
11 you would wear a wire and --

12 A. I don't know. Because they said I'd go to jail or
13 prison, they telling go to prison to me.

14 Q. They told you that you would go to prison if you
15 didn't do that?

16 A. Uh-huh. And then I got --

17 Q. Did they say why?

18 A. No. And I got a little nervous, and I said, Well,
19 okay, you know. I ain't got time to be doing no time and
20 stuff.

21 Q. Okay. So --

22 A. I never been to prison a day in my life. I went
23 to jail a couple times, but I didn't stay. And it wasn't
24 nothing real bad, you know, like this, you know.

5 Q. I guess like why is that -- like why would you go
6 to prison? Why -- I mean did anybody say that to you?

7 A. They didn't say it to me. Uh-uh.

8 Q. I'm just trying to figure out why you thought you
9 -- you might go.

10 A. Because I did witness. You know why -- I ain't
11 never been around nobody -- seen nobody get killed, you
12 know. And then I was afraid. And I was thinking about me
13 and my baby, no. I said, Lord, I can't handle not -- your
14 child, my child in prison.

15 Q. Okay.

16 A. And I haven't did nothing, you know. And then I
17 stopped and I was ready to go, you know, stopped thinking
18 about it, you know.

3 Q. Okay. And at the very bottom of that page, it
4 says -- this is you. You say:

5 "They're trying to get me involved. He's trying
6 to get me involved. I don't want to get involved."

7 Who was trying to get you involved?

8 A. The detective and them. 'Cause they were trying
9 to make me lie.

10 Q. What did they want you to say that was a lie?

11 A. They -- they kept saying, yeah, you know he --
12 they did it.

13 I said, Yeah, I know. I said, I told y'all I was
14 down in there. I was trying to go back up the hill. And I
15 told them, I said, Well, I'm just going to tell what I seen
16 'cause I ain't been able to see that much. That's what I
17 told them. 'Cause I came on back up the hill. And every
18 time I turn around, they kept asking me the same things,
19 same things, same things. I'm dreading, the same things
20 about Sammy and Darryl. And then they tell me, You're
21 nervous. And then I kept getting up and standing, like I
22 did y'all.

23 Q. Right.

24 A. Said, I'm through talking about. I don't want to
25 talk about it no more. That's why I said they're trying to

1 get me involved 'cause I -- I ain't have time, you know, go
2 do no time.

3 Q. Okay.

4 A. I ain't never did not time. Never been to prison.

5 Q. What would you have to do time for though?

6 A. No, that's what I was just saying. I ain't never,
7 you know.

6 Q. Did you ever hear Mr. Drayton say that he did it?

7 A. No.

8 Q. Okay. And about halfway down the page --

9 A. Excuse me for a minute.

10 Q. Oh, sure.

11 A. 'Cause they said -- they said that Drayton had
12 told police and them that he did it. And they said that he
13 told them about Mary Smith and said that he told them about
14 that Deborah Syke case, too. I didn't know nothing about
15 that either.

16 Q. Who told you that?

17 A. A lot of people was saying that in the Ezelle
18 drink house.

19 Q. But who told you that Drayton talked to police
20 about all that?

21 A. They did. Barbara and them were in there.

22 Q. The people in the drink house?

23 A. The drink -- yeah.

24 Q. Okay. Do you remember when that was?

25 A. No.

1 Q. Was it after he was arrested?

2 A. I think it was.

3 Q. Okay. So looking about halfway down page 816
4 right here.

5 A. Okay.

6 Q. This is you talking. And you say:

7 "They asked me did I see Junior and you. They say
8 a girl was with him. Junior told me they said the stick you
9 had is somewhere in the house and I'm looking for the stick
10 and I can't find the stick in the house. It's got black
11 tape around it."

12 A. Well, the detective and them told me that the
13 stick was in my house. And I was looking for it. I was
14 looking for it. 'Cause if I would have found it, I would
15 have put a glove or something on my hand and would have
16 called the police and told the police and them, yeah, here
17 go the stick. But I didn't find no stick in my house.

18 Q. Do you remember them coming to your house and
19 getting a stick?

20 A. No. I don't remember.

21 Q. Do you remember an ax handle that they took from
22 your house?

23 A. No.

24 Q. You don't remember?

25 A. I don't remember. Uh-uh.

1 Q. Okay. And then just keep it, and following down
2 from there, this is Sammy Mitchell now replying to you. He
3 says:

4 "Junior is telling a lie. Me and Junior wasn't
5 running together. You ought to know that. Wasn't nobody
6 running together but me and Darryl. When that man got
7 killed, me and Darryl wasn't even on that side of town."

8 A. Yes, they was. Yes, they were.

9 Q. Do you remember that it was -- was it just Sammy
10 and Darryl running together or did they include Merritt?

11 A. I -- I just remember Sammy and Darryl was
12 together. 'Cause every day, if it don't be in the morning,
13 be in the evening, don't be in the evening, be at night,
14 they come to that drink house every day. And there's all
15 who Sammy Mitchell usually run with was Darryl Hunt. When
16 you see Sammy Mitchell, you see Darryl. When you see
17 Darryl, you see Sammy.

18 Q. And would you see Drayton with them?

19 A. No. Drayton wouldn't be with them.

20 Q. Okay.

21 A. Drayton be most the time with me at my mother
22 house. Or we'll be down there, sitting down there in Ezelle
23 backyard with some more people, just sitting down there
24 drinking and talking.

Handout 50

PATRICIA WILLIAMS DUNLAP

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
COMMUNICATING THREATS (M)	FORSYTH	4/23/2008	5/22/2008
OPEN CONTAINER ALCOHOL VIOLATION (M)	FORSYTH	10/16/2016	3/24/2017
PANHANDLE IN CENTER MEDIAN (M)	FORSYTH	5/13/2017	6/12/2017

Handout 51

NORTH CAROLINA
FORSYTH COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO.: 86 CRS 018809

STATE OF NORTH CAROLINA,

Petitioner,

vs.

MERRITT WILLIAMS DRAYTON,

Defendant.

T R A N S C R I P T

Patricia Dunlap

Recorded Interview

This is the transcript of the recorded interview taken of Patricia Dunlap, which was conducted by Brian Ziegler, Staff Attorney, and Julie Bridenstine, Staff Attorney, from the North Carolina Innocence Inquiry Commission. The interview took place on April 22, 2019.

APPEARANCES:

Brian Ziegler, Staff Attorney
Julie Bridenstine, Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present: Patricia Dunlap

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1 P R O C E E D I N G S

2 MS. DUNLAP: Hello.

3 MR. ZIEGLER: Hi. Are you Ms. Carpenter?

4 MS. DUNLAP: No. My name is Dunlap.

5 MR. ZIEGLER: Are you Patricia Dunlap?

6 MS. DUNLAP: Uh-huh.

7 MR. ZIEGLER: Hi. You're actually the person that
8 I was hoping to speak with. My name is Brian Ziegler. This
9 is Julie.

10 MS. BRIDENSTINE: Hi.

11 MR. ZIEGLER: We work with a state agency called
12 the North Carolina Innocence Inquiry Commission.

13 MS. DUNLAP: Uh-huh.

14 MR. ZIEGLER: And it's our job to investigate when
15 there's someone who's been convicted of a crime but claims
16 that they're innocent. Excuse me. I'm sorry.

17 There's a man named Merritt Williams Drayton who
18 has applied to our agency. He was convicted of the murder
19 of Arthur Wilson back in 1983.

20 MS. DUNLAP: Uh-huh.

21 MR. ZIEGLER: He was convicted in 1986 along with
22 Sammy Mitchell and Darryl Hunt.

23 MS. DUNLAP: Uh-huh.

24 MR. ZIEGLER: Do you remember that case?

25 MS. DUNLAP: Uh-huh.

1 MR. ZIEGLER: Can we talk to you for a few
2 minutes?

3 MS. DUNLAP: I'd rather not go into that. I'm --
4 I'll be 63 years old in a couple months. And I put all that
5 behind me. I've lost my husband, everything, so...

6 MR. ZIEGLER: Okay. I -- I understand. It is
7 very important that we do speak with you. It would be my
8 preference if we could take a few minutes today right now,
9 but if -- if you don't want to do that, we'll probably have
10 to subpoena you so that we could -- we could do that.

11 MS. DUNLAP: Uh-uh. I don't want to go to court.

12 MS. BRIDENSTINE: This is a subpoena for our
13 hearing.

14 MS. DUNLAP: Huh?

15 MS. BRIDENSTINE: This is a subpoena for the
16 hearing.

17 MS. DUNLAP: Well, why do I have to be there?

18 MR. ZIEGLER: Well, if we could talk a little bit
19 and I'll explain it to you. You may -- you may not.

20 MS. DUNLAP: I don't do the talk. I'm not into
21 that. I don't know nothing about that now.

22 MR. ZIEGLER: I -- I understand. So I'm going to
23 leave this here for you. You may not -- we may be able to
24 release that, but that's our boss's decision. I'm sorry I'm
25 stepping in. Were you --

1 MS. DUNLAP: That's all right. Come on in.

2 MR. ZIEGLER: -- were you going to invite us.

3 Okay.

4 MS. DUNLAP: After all these years?

5 MR. ZIEGLER: Yes, ma'am. There's -- there's a
6 man in prison. He's saying that he didn't do it, so it's
7 our job to look into that.

8 MS. DUNLAP: I don't know what you talking about,
9 Drayton. Arthur Drayton.

10 MR. ZIEGLER: His name is Merritt --

11 MS. DUNLAP: Merritt.

12 MR. ZIEGLER: -- Drayton. So I -- if you don't
13 remember, I understand it's been a long time and you may not
14 remember and that's okay. I'm going to ask you some
15 questions about it and see what you do recall.

16 It sounds like you do remember that case?

17 MS. DUNLAP: It's been so long.

18 MR. ZIEGLER: What do you remember?

19 MS. DUNLAP: Practically hardly nothing. I
20 remember the times we had to go to court. And I remember --
21 I remember going to court. And it was -- the two of them,
22 Sammy Mitchell and Darryl.

23 MR. ZIEGLER: Yes, ma'am.

24 MS. DUNLAP: But after that was solved and
25 everything, I got all of that out my mind. And then I had a

1 news -- a writer, reporter or somebody after I had gotten
2 married. They had came to the house and they want to do a
3 story. And I told them I wasn't doing that story. I was
4 married now, going on with my life.

5 MR. ZIEGLER: Yes, ma'am.

6 MS. DUNLAP: What's been done, been done, and I'm
7 out of it. Please don't bother me with that no more.

8 MR. ZIEGLER: Right. And I understand we're
9 coming up here out of the blue talking about something a
10 long time ago and that can be a little bit hard.

11 MS. DUNLAP: Oh, that man showing up in here.

12 MR. ZIEGLER: So I -- I do want to be sensitive of
13 that. But it -- it's our job to look into this man's claim
14 of innocence. So do you -- do you remember where it was
15 that Arthur Wilson was killed?

16 MS. DUNLAP: Oh, Arthur -- see, what street is
17 that? On the corner of 18th and Claremont. I think. I'm
18 not sure about that.

19 MR. ZIEGLER: Okay. Do you remember where you
20 were that night?

21 MS. DUNLAP: I was at Ezelle's house that night.

22 MR. ZIEGLER: Okay. And what -- what can you tell
23 us about Ezelle's house?

24 MS. DUNLAP: Oh, it was a drink house.

25 MR. ZIEGLER: Was it normally this -- did you go

1 there often?

2 MS. DUNLAP: I stayed right across the street from
3 it in an apartment.

4 MR. ZIEGLER: Is that a --

5 MS. DUNLAP: I went, you know, not that often, but
6 I'd be around there.

7 MR. ZIEGLER: Did you know the people who would
8 hang out there?

9 MS. DUNLAP: Most of them.

10 MR. ZIEGLER: Was it usually the same people?

11 MS. DUNLAP: Yes.

12 MR. ZIEGLER: Do you remember who -- who that was?

13 MS. DUNLAP: That was me -- let me see, Mattie
14 Mae, my sister, Barbara -- what was Barb's last name? I
15 can't think of her last name. She dead, too. Oh, God. A
16 bunch of us lived around there. Let's see. I think they
17 were all of them there. I got out of that area and got my
18 life turned another way.

19 MR. ZIEGLER: Did Sammy Mitchell hang out there?

20 MS. DUNLAP: Oh, yes. He was there. And Darryl.

21 MR. ZIEGLER: Would they go there a lot?

22 MS. DUNLAP: Quite often.

23 MR. ZIEGLER: Okay. Did you know Merritt Williams
24 Drayton?

25 MS. DUNLAP: I've seen him. But now as far as

1 knowing him, no, I didn't know him --

2 MR. ZIEGLER: I think --

3 MS. DUNLAP: -- all that good.

4 MR. ZIEGLER: I think he used to be called

5 "Junior."

6 MS. DUNLAP: Junior. I've seen him, but I never

7 -- you know, I never -- I never was in his company.

8 MR. ZIEGLER: Okay. Did you see -- did you see

9 him at Ezelle's house?

10 MS. DUNLAP: You talking about Arthur?

11 MR. ZIEGLER: I'm talking about Junior or Merritt

12 Williams Drayton. Do you remember if he --

13 MS. DUNLAP: Yeah. I seen him --

14 MR. ZIEGLER: -- would he hang out there?

15 MS. DUNLAP: -- I seen him there a couple of

16 times.

17 MR. ZIEGLER: Okay. Did you know Sammy Mitchell?

18 MS. DUNLAP: Uh-huh.

19 MR. ZIEGLER: What was your relationship with him?

20 MS. DUNLAP: None.

21 MR. ZIEGLER: Did you like him?

22 MS. DUNLAP: (No verbal response.)

23 MR. ZIEGLER: Why not?

24 MS. DUNLAP: He was kind of a rowdy person.

25 MR. ZIEGLER: Okay.

1 MS. BRIDENSTINE: A what person?

2 MS. DUNLAP: Kind of rowdy.

3 MS. BRIDENSTINE: Rowdy.

4 MR. ZIEGLER: What do you mean by that?

5 MS. DUNLAP: Disrespectful. His mouth was
6 something else.

7 MR. ZIEGLER: Okay. Disrespectful to you?

8 MS. DUNLAP: To a lot of women. Not only me.

9 MR. ZIEGLER: Okay. What would he do that was
10 disrespectful?

11 MS. DUNLAP: Well, he'd call people names and
12 stuff like that.

13 MR. ZIEGLER: Did you know Darryl Hunt?

14 MS. DUNLAP: Uh-huh.

15 MR. ZIEGLER: What was your relationship with him?

16 MS. DUNLAP: None.

17 MR. ZIEGLER: Did you like him?

18 MS. DUNLAP: Darryl was all right. I just felt
19 like he was being led -- leaded -- led the wrong way. He
20 was running with the wrong person.

21 MR. ZIEGLER: And what person was that?

22 MS. DUNLAP: Sammy. It was Sammy.

23 MR. ZIEGLER: Okay. Do you remember talking with
24 police about this case back then?

25 MS. DUNLAP: I know when they came -- detectives

1 came to my house.

2 MR. ZIEGLER: What can you tell me about that?

3 MS. DUNLAP: And they said they needed to talk to
4 me about that. I told them I didn't know nothing. And
5 evidently the person -- this Drayton -- or what you call
6 him, he gave our name. They carried us downtown. They
7 carried me downtown and they talked to me about that.
8 And -- and I think I stayed down there about two, three
9 hours.

10 MR. ZIEGLER: Why did you tell them that you
11 didn't know anything?

12 MS. DUNLAP: I didn't want to be involved in it.
13 Even though I seen it, I didn't want to be involved in that.
14 And that was one time I wish I had stayed in the house and I
15 wouldn't have seen that.

16 MR. ZIEGLER: And you said that you think
17 Mr. Drayton is the one who gave your name?

18 MS. DUNLAP: Uh-huh.

19 MR. ZIEGLER: Do you know why he would have given
20 your name?

21 MS. DUNLAP: I guess he was trying to make a plea
22 bargain after what happened to Mary.

23 MR. ZIEGLER: Is that Mary Smith --

24 MS. DUNLAP: Yeah.

25 MR. ZIEGLER: -- you're talking about? Okay.

1 Did you know Mary Smith?

2 MS. DUNLAP: Uh-huh.

3 MR. ZIEGLER: Were you friends with her?

4 MS. DUNLAP: Yeah. She was all right with me.

5 MR. ZIEGLER: Did you ever know her to be an
6 informant or work with the police or anything?

7 MS. DUNLAP: No.

8 MR. ZIEGLER: No. Okay. Did she ever talk to you
9 about Sammy Mitchell and the Deborah Sykes' case?

10 MS. DUNLAP: No.

11 MR. ZIEGLER: Okay. So going back to when police
12 talked to you about this case, you said they picked you up
13 at your house?

14 MS. DUNLAP: Uh-huh. When it first got started.
15 I think that was in -- was it 1986?

16 MR. ZIEGLER: Yes, ma'am.

17 MS. DUNLAP: Yeah.

18 MR. ZIEGLER: But the crime happened in 1983, but
19 it was 1986 when they talked to you. Why did you decide to
20 go with them down to the police station?

21 MS. DUNLAP: I had no other choice. They had done
22 put my name. Said, We know what's up. And then they
23 started talking. And I said, Okay. I might as well go on
24 down there.

25 MR. ZIEGLER: Were you told that you had no

1 choice?

2 MS. DUNLAP: In a way I was.

3 MR. ZIEGLER: What do you mean?

4 MS. DUNLAP: From what they were saying to me.

5 MR. ZIEGLER: What were they saying?

6 MS. DUNLAP: I can identify them. Then they made
7 me a key witness to this. I didn't like it. It was me,
8 Mattie Mae, Barbara, and who else was it? I can't think of
9 everybody.

10 MR. ZIEGLER: Did you ever talk to Mattie Mae and
11 Barbara about the case?

12 MS. DUNLAP: Uh-uh.

13 MR. ZIEGLER: No?

14 MS. DUNLAP: (No verbal response.)

15 MR. ZIEGLER: All right. So when --

16 MS. DUNLAP: We was all key witnesses. And I know
17 what I seen and I guess they knew what they seen. They knew
18 what happened on the inside. And they said I don't -- I was
19 outside throwing up when I looked up and seen that. I was
20 the one that ran in the house and got some help.

21 MR. ZIEGLER: All right.

22 MS. DUNLAP: By the time I got -- got to somebody,
23 I seen Paul Landingham. I seen him, I said, Paul, those
24 guys there, they killing that man, they killing that man.
25 Just like that. They were saying why Ezelle tried to get --

1 get Arthur to take -- take a cab and go home. He said, No,
2 it's such a pretty night, he was going to walk.

3 The same night Arthur had set up the whole house.
4 He bought everybody there a drink. Sammy and Darryl came
5 back in there. They had done bought them one. They was in
6 the front room playing pool. They came back in there. I
7 remember that. They came back in there and they asked him
8 for another drink.

9 MR. ZIEGLER: Is this --

10 MS. DUNLAP: Come on, man.

11 MR. ZIEGLER: -- is this after Mr. Wilson was
12 killed?

13 MS. DUNLAP: No, before he was killed.

14 MR. ZIEGLER: Okay.

15 MS. DUNLAP: And he told them that he looked like
16 he got laces on their panties or something like that. Oh,
17 come on, man, such and such. See, they were bullies anyway.

18 MR. ZIEGLER: Yeah.

19 MS. DUNLAP: So --

20 MS. BRIDENSTINE: Did you say they were bullies?

21 MS. DUNLAP: Uh-huh.

22 MS. BRIDENSTINE: Okay.

23 MS. DUNLAP: Anyway, they went ahead on. They
24 went on back and left. I told -- he told -- what's his
25 name? Mel, they told Mel, say, Well, y'all, I'm fixin' to

1 go on in. And he -- and he looked at Ezelle, he said, Man,
2 why don't you let me call you a cab so you can get home all
3 right.

4 Arthur had a whole lot of money on him that night.
5 That's why Ezelle was trying to get him to catch a cab for
6 him to get home safe. And he refused that and he left out
7 and he went on up the street.

8 That last drink I had, it kinda made me sick. I
9 went outside and I was standing there on the ground by the
10 wall and I was throwing up and I happened to look up.
11 That's when I seen Darryl and -- and -- and Sammy and them
12 down there with him.

13 MR. ZIEGLER: I'm sorry to interrupt you, but when
14 you said Darryl and Sammy and "them"?

15 MS. DUNLAP: That's what -- that's what I'm
16 talking about.

17 MR. ZIEGLER: Uh-huh. Do you remember seeing
18 anyone besides Sammy and Darryl?

19 MS. DUNLAP: I mean it's kinda faded. I've put a
20 lot of that stuff out of my mind.

21 MR. ZIEGLER: I understand.

22 MS. DUNLAP: See, I know -- I seen --

23 MR. ZIEGLER: And it's okay if you don't remember.
24 I don't want you to say --

25 MS. DUNLAP: I can't remember --

1 MR. ZIEGLER: -- something that's not true.

2 MS. DUNLAP: -- I can't remember --

3 MR. ZIEGLER: Okay.

4 MS. DUNLAP: -- all of that.

5 MR. ZIEGLER: That's fine. And when -- you said
6 you ran back in the house and you told Paul Landingham
7 they're killing the man --

8 MS. DUNLAP: Uh-huh.

9 MR. ZIEGLER: -- did you tell him who was killing
10 the man?

11 MS. DUNLAP: No. I couldn't -- at first I said --
12 he said, Who is it?

13 I said, They got him down. And I said, That's
14 Sammy and Darryl. There's Sammy and -- and Darryl down
15 there. One of them had an ax handle.

16 MR. ZIEGLER: Did you --

17 MS. DUNLAP: I remember saving the stick. And
18 when he was standing there -- they were standing right there
19 in front of that light and you could mostly see what's going
20 on.

21 MR. ZIEGLER: How far away were they from you?

22 MS. DUNLAP: I'd say from the corner to right
23 there to -- from the corner of Claremont -- no -- yeah,
24 Claremont and 19th, I was standing right there. I was
25 standing on the corner. Not directly on the corner. I was

1 at Ezelle's house. His house isn't exactly on the corner.

2 MR. ZIEGLER: Okay.

3 MS. DUNLAP: So from Ezelle house to the corner of
4 18th Street. That's where I was standing at.

5 MR. ZIEGLER: Okay. So what you saw happened at
6 the corner of 18th Street?

7 MS. DUNLAP: I saw what was going on at the corner
8 of 18th Street.

9 MR. ZIEGLER: Okay. I mean that --

10 MS. DUNLAP: (Inaudible.)

11 MR. ZIEGLER: -- that's where Mr. Wilson got
12 attacked?

13 MS. DUNLAP: Yeah.

14 MR. ZIEGLER: Okay. Do you recall there's a hill
15 on that street?

16 MS. DUNLAP: After you pass 18, it is.

17 MR. ZIEGLER: Right, right. Were they down that
18 hill at all?

19 MS. DUNLAP: Uh-uh.

20 MR. ZIEGLER: And when you -- I just want to make
21 sure I understand. It sounds like you do remember calling
22 Sammy and Darryl's name that night when you went back in the
23 house?

24 MS. DUNLAP: Uh-huh.

25 MR. ZIEGLER: Okay. Did you talk to any police

1 that night?

2 MS. DUNLAP: Uh-uh. 'Cause, well, the next thing
3 when I looked up, the ambulance and everything was down
4 there. And I walked down there, when I looked up and seen
5 the paramedic, the paramedic kicked that sheet and pulled it
6 over his head.

7 MR. ZIEGLER: Uh-huh.

8 MS. DUNLAP: I said, Oh, Lord, they done killed
9 him. I turned around and I went back. I went on home.

10 MR. ZIEGLER: Did you see anybody talk to police
11 that night?

12 MS. DUNLAP: No.

13 MR. ZIEGLER: Did you see anybody else who saw the
14 attack?

15 MS. DUNLAP: Well, it was some more people who
16 were standing on the porch, but they was up there running
17 their mouth. Evidently they didn't -- they might have seen
18 it, they might have not. I can't say what they did.

19 MR. ZIEGLER: These are people on the porch at
20 Ezelle's house?

21 MS. DUNLAP: Uh-huh.

22 MR. ZIEGLER: Do you remember who there was up
23 there?

24 MS. DUNLAP: I know -- I know -- I know Paul was
25 up there because that's when I ran up the steps. And I -- I

1 looked and seen him. I said, Paul, they're down there
2 killing that man. They -- they -- they beating him up.

3 MR. ZIEGLER: So when you said that, that was out
4 on the porch, you were still outside?

5 MS. DUNLAP: Well, he was up steps, but he -- I
6 don't think Paul could see it from where he was standing at.

7 MR. ZIEGLER: Okay. But when -- when you told him
8 about it --

9 MS. DUNLAP: But even when I told him about --

10 MR. ZIEGLER: -- you were outside?

11 MS. DUNLAP: -- when I told him about it, he -- he
12 -- he took off and he went down the steps and he looked.
13 And by the time he -- by the time he decided to get down the
14 steps to look, the ambulance was coming out 18th.

15 MR. ZIEGLER: Okay.

16 MS. DUNLAP: And they done gone.

17 MR. ZIEGLER: Did you --

18 MS. DUNLAP: They ran off.

19 MR. ZIEGLER: Did you see where they ran?

20 MS. DUNLAP: No, I didn't see it.

21 MR. ZIEGLER: Did you see Mattie Mae out there?

22 MS. DUNLAP: Mattie Mae was on the porch up there.

23 MR. ZIEGLER: She was on the porch?

24 MS. DUNLAP: Uh-huh.

25 MR. ZIEGLER: Did you see Barbara Bason out there

1 on the street?

2 MS. DUNLAP: Barbara Bason was there. She was at
3 the house, too. I didn't see her on the street though.

4 MR. ZIEGLER: Okay. Did you see any cars go by?

5 MS. DUNLAP: No.

6 MR. ZIEGLER: So if you don't remember, you don't
7 remember, and I understand that, but --

8 MS. DUNLAP: I don't remember all that.

9 MR. ZIEGLER: -- when -- when you were out there,
10 did you see any people on the street other than Mr. Wilson
11 and the people who were attacking him?

12 MS. DUNLAP: No. I can't say that I did. I just
13 seen -- I was looking at exactly what was going on.
14 Anything else that standing nearby or cross or below it, I
15 didn't see that. I just looked up and just glimpsed and
16 seen that and I ran up the steps and I told Paul.

17 MR. ZIEGLER: Okay. Did you -- and as you sit
18 here today, do you remember how many people you saw attack
19 them?

20 MS. DUNLAP: There was -- attack him, I didn't
21 seen that. But what I seen watcha call when he hit him.

22 MR. ZIEGLER: Are you talking about Sammy?

23 MS. DUNLAP: Uh-huh. I seen that much.

24 MR. ZIEGLER: Okay.

25 MS. DUNLAP: That's when I took off. And Darryl

1 had the -- had the -- had the stick and he doing it like
2 this to see whether he's still alive and he did like that.
3 And then by the time I got there, all of them, they were
4 done disappeared.

5 MR. ZIEGLER: Okay. If you told -- if you said --

6 MS. DUNLAP: I told them that.

7 MR. ZIEGLER: If you said back then that you saw
8 three people, does that sound right to you today?

9 MS. DUNLAP: I'm not remembering. I can't say.
10 It's been too long.

11 MR. ZIEGLER: I understand that. That's fine.

12 So going back to when police first talked to you,
13 did you know they had suspects?

14 MS. DUNLAP: (No verbal response.)

15 MR. ZIEGLER: No. Did you ever talk to anyone
16 else at the drink house about what you saw that night? I
17 know you just told me you told Paul.

18 MS. DUNLAP: Well, all of us talking about it
19 then.

20 MR. ZIEGLER: Okay. Around the time that it
21 happened?

22 MS. DUNLAP: So after the ambulance, people
23 started --

24 MR. ZIEGLER: Yeah.

25 MS. DUNLAP: I can say all of them was talking

1 about it.

2 MR. ZIEGLER: You're talking about later that
3 night, the same night?

4 MS. DUNLAP: Uh-huh.

5 MR. ZIEGLER: Okay. When you talked to police, do
6 you remember if they were recording your interview?

7 MS. DUNLAP: Yes, they were.

8 MR. ZIEGLER: Do you remember whether they stopped
9 and started that recorder during the interview?

10 MS. DUNLAP: I can't remember.

11 MR. ZIEGLER: Do you remember that they
12 interviewed you two days back to back?

13 MS. DUNLAP: Yeah.

14 MR. ZIEGLER: Then on the second day you were
15 interviewed in the morning and then they interviewed you
16 again later on that day. Do you remember that?

17 MS. DUNLAP: Uh-uh.

18 MR. ZIEGLER: No. Okay. Do you remember what
19 happened in between those interviews with police?

20 MS. DUNLAP: No.

21 MR. ZIEGLER: Okay. When they came to get you at
22 your house, when the police came to get you at your house to
23 talk to you, did you know they were going to come talk to
24 you?

25 MS. DUNLAP: Uh-uh.

1 MR. ZIEGLER: No. Had you heard from anyone else,
2 like, hey, they're looking at this old case, you know,
3 they're coming around?

4 MS. DUNLAP: No. I didn't hear nothing about it.
5 Then they showed up at the door.

6 MR. ZIEGLER: Okay. Do you know why they came
7 back to talk to you after that first time?

8 MS. DUNLAP: Not exactly.

9 MR. ZIEGLER: Okay. So one of the -- did you ever
10 talk to Sammy again after that --

11 MS. DUNLAP: Uh-uh.

12 MR. ZIEGLER: -- after you saw that?

13 MS. DUNLAP: Uh-uh.

14 MR. ZIEGLER: Did he ever talk to you?

15 MS. DUNLAP: Uh-uh.

16 MR. ZIEGLER: Do you remember telling police that
17 Sammy threatened to cut your throat?

18 MS. DUNLAP: Well, them three all saw a whole
19 bunch of us like that.

20 MR. ZIEGLER: And why -- why did he make that
21 threat?

22 MS. DUNLAP: If we opened our mouths and said
23 anything. About whatever he was doing, he was always
24 threatening.

25 MR. ZIEGLER: Okay. Did he say that to you about

1 Arthur Wilson?

2 MS. DUNLAP: Uh-uh.

3 MR. ZIEGLER: No.

4 MS. DUNLAP: After that night, that man -- that
5 man got killed and I seen everything, they still came
6 around, but they didn't come around as often. And then when
7 Mary -- when Mary got killed down there on 9th -- was that
8 -- is that --

9 MR. ZIEGLER: Are you talking about Mary Smith?

10 MS. DUNLAP: Yeah.

11 MR. ZIEGLER: Okay.

12 MS. DUNLAP: That's when all this stuff hitting
13 the fan.

14 MR. ZIEGLER: But do you know --

15 MS. DUNLAP: All this stuff hitting the fan.

16 MR. ZIEGLER: Do you know why that is?

17 MS. DUNLAP: And I was trying to figure out how
18 did he know my name.

19 MR. ZIEGLER: And when you say "he," who are you
20 talking about?

21 MS. DUNLAP: Drayton.

22 MR. ZIEGLER: Okay. Do you know why this case
23 came back up after Mary Smith was killed?

24 MS. DUNLAP: Uh-uh. They probably tried -- 'cause
25 I guess they never did get through with his case. But what

1 I look at, he turned our name in and everything as a -- for
2 a plea or for a bargain or trying to plea bargain.

3 MR. ZIEGLER: How do you know that?

4 MS. DUNLAP: That's what -- he done killed that
5 woman and everything. And in order to try to pull hisself
6 out of something, he turned up an old case trying to make
7 hisself...

8 MR. ZIEGLER: How do you know that's what he did?

9 MS. DUNLAP: I feel like that's what he did.

10 MR. ZIEGLER: You feel like that then. Okay.

11 Would he have a reason to think that would help
12 him?

13 MS. DUNLAP: Um-um-um.

14 MR. ZIEGLER: No. You don't know. Okay.

15 Did you ever talk to anyone else that at Ezelle's
16 that night about what you would say to police?

17 MS. DUNLAP: No.

18 MR. ZIEGLER: No. You mentioned -- when we first
19 came in, you mentioned you remember going to court. Do you
20 remember how many times you had to go to court?

21 MS. DUNLAP: I knew (inaudible). I don't even
22 remember all that. Because during the -- during the court
23 case when we was going back and forth to court, and the I
24 remember of that was the last time we had to go, I couldn't
25 go because my mama had passed. And that was when they

1 supposedly sentencing him then, Sammy Mitchell.

2 MR. ZIEGLER: Okay. Did you ever go to court in
3 Hickory?

4 MS. DUNLAP: For who?

5 MR. ZIEGLER: For Darryl Hunt in this case.

6 MS. DUNLAP: Yes. They --

7 MR. ZIEGLER: They would have taken you.

8 MS. DUNLAP: They came and got me. Yeah. They
9 came and got me.

10 MR. ZIEGLER: So you did go to that one?

11 MS. DUNLAP: Yeah.

12 MR. ZIEGLER: Okay. Do you remember anything
13 about that trial other than that you had to go to it?

14 MS. DUNLAP: The only thing they asked me, did I
15 see Darryl Hunt hit him. I told them, No. I didn't see him
16 hit him.

17 MR. ZIEGLER: So earlier that night when everybody
18 was still at the drink house, do you remember a fight or
19 anything, an argument between somebody named Hattie Rue and
20 Mr. Wilson?

21 There's a handwritten -- do you know who that is?

22 MS. DUNLAP: Uh-uh.

23 MR. ZIEGLER: She was -- I wouldn't normally use
24 this term, but she's described as a "bull dyke" in
25 somebody's statement.

1 MS. DUNLAP: I don't know.

2 MR. ZIEGLER: You don't -- you don't remember
3 telling police that?

4 MS. DUNLAP: (No verbal response.)

5 MR. ZIEGLER: Okay.

6 MS. DUNLAP: Mr. Wilson weren't fighting with
7 nobody.

8 MR. ZIEGLER: If that was in a -- you say he was
9 not fighting with anybody?

10 MS. DUNLAP: No, not Mr. Wilson.

11 MR. ZIEGLER: If that was in a --

12 MS. DUNLAP: We called him Yup.

13 MR. ZIEGLER: Yeah, right. Yeah.

14 MS. DUNLAP: That's what they called him, we
15 called him Yut. No, he wasn't fighting with nobody.
16 Because I had just left the club. I left the club up on
17 Liberty and we walked down there and got there. By the time
18 we got to Ezelle's house, we went -- we went inside. That's
19 the first time I met Mr. Wilson. And he said -- he was
20 talking to Ezelle and everything and he said he's going to
21 set up the whole house. He said, All right. Ladies first.
22 And I was standing at the door. He said, Come on up here,
23 honey. That go for you, too. And I stood right there and
24 they poured me my drink and everything and just served
25 everybody in there a drink or whatever they wanted. If they

1 wanted beer, that's what they would have got. If they
2 wanted wine, that's what they got. If they wanted liquor,
3 that's what they got.

4 MR. ZIEGLER: Do you --

5 MS. DUNLAP: But other than that, I --

6 MR. ZIEGLER: Do you remember ever signing a
7 handwritten statement when you talked with police?

8 MS. DUNLAP: I'm not sure.

9 MR. ZIEGLER: Okay. And I know it's been a long
10 time. That's fine. I'm going to show what I am marking as
11 Number 115.

12 (Exhibit Number 115 was introduced.)

13 MR. ZIEGLER: The pages are a little backward
14 here. But this is a handwritten statement. And it looks
15 like it has your signature on the bottom, here. Did you
16 write this statement?

17 MS. DUNLAP: That's my -- that is my signature.

18 MR. ZIEGLER: Okay. Did you write the statement?

19 MS. DUNLAP: No, I didn't write it.

20 MR. ZIEGLER: Do you know who did write it?

21 MS. DUNLAP: Uh-uh.

22 MR. ZIEGLER: Did you read it before you signed
23 it?

24 You can take a look. It actually starts on this
25 side.

1 MS. DUNLAP: Yeah. I remember having this now.

2 MR. ZIEGLER: Do you remember that fight?

3 MS. DUNLAP: It says she was getting ready to jump
4 on some man, but it wasn't Yut, I know that.

5 MR. ZIEGLER: It was not Yut?

6 MS. DUNLAP: No. They say:

7 "The man bought me Michael and Jerry a drink.
8 Sammy Mitchell asked him for a doggone drink. The man told
9 him he ain't buying you a goddamn thing. Well, yeah, he did
10 tell him, he said, That's all right. I'll fix you. Then
11 the man left. We went out on the porch. The man went down
12 -- went out the front door and Sammy and Darryl went out
13 right behind him." Uh-hum. "Me, Mike, and Jerry was going
14 to Red Mosley's house. We was going down Claremont."

15 MR. ZIEGLER: Do you remember Red Mosley.

16 MS. DUNLAP: "I saw three men jump" -- yeah, I
17 remember Red Moseley. He's dead now.

18 MR. ZIEGLER: Did he ever -- he had a drink house,
19 too; is that right?

20 MS. DUNLAP: Uh-huh.

21 MR. ZIEGLER: Did he ever do like a pawnshop out
22 of his house?

23 MS. DUNLAP: Not that I -- not that I know of,
24 uh-uh. I didn't go there that often. And then -- okay.

25 MR. ZIEGLER: So as you read that statement now,

1 is that accurate?

2 MS. DUNLAP: Yeah. I'm trying to figure this out
3 right here.

4 MR. ZIEGLER: What's that?

5 MS. DUNLAP: I didn't write this statement.

6 MR. ZIEGLER: Right. I'm not sure who wrote it.
7 It may have been the detective, but --

8 MS. DUNLAP: I didn't write this statement.

9 MR. ZIEGLER: All right. But you see your
10 signature on the bottom. Did you sign it?

11 MS. DUNLAP: I signed the of paper, but I didn't
12 read that.

13 MR. ZIEGLER: Do you remember reading that before
14 you signed it?

15 MS. DUNLAP: Uh-uh. 'Cause see everything they
16 said they got from us, they recorded it.

17 MR. ZIEGLER: Uh-huh. Is that statement accurate?
18 Is it true?

19 MS. DUNLAP: Most of it is.

20 MR. ZIEGLER: What's not true in there?

21 MS. DUNLAP: The -- that's right. Me and -- me
22 and Jerry -- me and Michael and Jerry, we had been up at
23 Verde's. So we walked down from Verde's out 18th Street and
24 came down Claremont.

25 We went in the back way, went in the back. Now,

1 when we left out that night, I went back out the back. I
2 didn't go out the front. I went out the back going around
3 the house. And I was standing over there by the wall, but I
4 was getting sick on the stomach.

5 MR. ZIEGLER: Where was the wall?

6 MS. DUNLAP: The wall was in the front.

7 MR. ZIEGLER: In front of the house?

8 MS. DUNLAP: In front of the house.

9 MR. ZIEGLER: Okay.

10 MS. DUNLAP: I was getting sick on the stomach and
11 I started throwing up. Then after I quit throwing up, I
12 came and looked up as I was trying to wipe my eyes, and
13 that's when I seen that down there. And I went up the
14 steps. When I went up the steps, Paul, another girl, her
15 name is Patricia, too -- Patrice, that's her name Patrice.

16 MR. ZIEGLER: Okay.

17 MS. DUNLAP: And let me see, Mattie Mae and -- it
18 was a bunch of them standing out there. John junior, he was
19 on the porch, too.

20 MR. ZIEGLER: They were on the porch. And this
21 was at the time that you saw what you saw?

22 MS. DUNLAP: Uh-huh. 'Cause when I went up the
23 steps, I said, Lord, y'all, they're killing that man down
24 there. They're killing -- who is it? I said, Darryl and
25 him and watcha call him. That's when watcha call him said,

1 Well, Darryl and them did go out the house behind Mr. Yut.

2 MR. ZIEGLER: They told you that that night?

3 MS. DUNLAP: That's what some of the people inside
4 said.

5 MR. ZIEGLER: Okay.

6 MS. DUNLAP: They said that he did go -- 'cause I
7 got my drink and I went on out. And we was standing out
8 there in the back talking, 'cause he had lights in the back.
9 We sat out there talking. I said, Oh, Lord, I'm getting
10 sick and I can't go back in there, so I'm going around
11 towards the front right there by the wall --

12 MR. ZIEGLER: Right. And you said --

13 MS. DUNLAP: -- and I threw up.

14 MR. ZIEGLER: You said you were out at the wall
15 throwing up.

16 MS. DUNLAP: Uh-huh.

17 MR. ZIEGLER: Is that because you had too much to
18 drink?

19 MS. DUNLAP: Got it, the liquor had -- you know
20 when you drink liquor out of those dirty cup --

21 MR. ZIEGLER: Okay.

22 MS. DUNLAP: It might not be dirty, but it ain't
23 cleaned good enough and has that grease on top.

24 MR. ZIEGLER: Okay.

25 MS. DUNLAP: It will make you sick.

1 MR. ZIEGLER: Were you sick because you were
2 drunk --

3 MS. DUNLAP: No, I was sick --

4 MR. ZIEGLER: -- or because of the dirty cup?

5 MS. DUNLAP: -- because the drink.

6 MR. ZIEGLER: Okay.

7 MS. DUNLAP: I hadn't had nothing that night but
8 some beer.

9 MR. ZIEGLER: Okay.

10 MS. BRIDENSTINE: How much beer?

11 MS. DUNLAP: All the club had was beer. I was at
12 the club when I had my beer.

13 MS. BRIDENSTINE: When you had the beer?

14 MS. DUNLAP: Uh-huh.

15 MR. ZIEGLER: Is that Verde's --

16 MS. DUNLAP: Uh-huh.

17 MR. ZIEGLER: -- when you say the club? Okay.

18 We're -- we're winding down getting towards the
19 end here. I appreciate your time, ma'am.

20 You had mentioned the ambulance coming out there.

21 MS. DUNLAP: Yeah.

22 MR. ZIEGLER: Do you know how long the ambulance
23 was out there or how long police were out there?

24 MS. DUNLAP: After I walked down there -- after I
25 walked -- that's when I went down there to see. I went down

1 there. And then when I seen the paramedic, before I could
2 get there good and I seen the paramedic pull the sheet up
3 over his head, that's when I knew he was dead.

4 MR. ZIEGLER: Did you see anybody from Ezelle's
5 house talking to the paramedics or the police down there?

6 MS. DUNLAP: There was a bunch of them down there.
7 But whoever was talking to the police or the paramedics, I
8 don't know.

9 MR. ZIEGLER: And you mentioned the --

10 MS. DUNLAP: Because I left.

11 MR. ZIEGLER: You mentioned John Junior earlier.

12 MS. DUNLAP: Uh-huh.

13 MR. ZIEGLER: Do you remember seeing him leave at
14 all that night?

15 MS. DUNLAP: No.

16 MR. ZIEGLER: Do you know if he left with Barbara
17 at any time?

18 MS. DUNLAP: Well, him and Barbara stayed
19 together, so they probably did.

20 MR. ZIEGLER: Right. Did -- did they leave
21 together that night?

22 MS. DUNLAP: Uh-huh.

23 MR. ZIEGLER: Do you -- do you remember that?

24 MS. DUNLAP: I think they left together. They go
25 everywhere together, so I imagine they did leave together.

1 MR. ZIEGLER: Was that before or after Mr. Wilson
2 got killed?

3 MS. DUNLAP: Probably after he got killed.

4 MR. ZIEGLER: Okay. Now, you say "probably." Do
5 you remember that or are you just thinking?

6 MS. DUNLAP: I'm thinking because I left.

7 MR. ZIEGLER: Okay. So you're not --

8 MS. DUNLAP: What they done --

9 MR. ZIEGLER: -- you're not sure?

10 MS. DUNLAP: -- what they done after I left, I
11 don't know.

12 MR. ZIEGLER: Okay. They were still there when
13 you left?

14 MS. DUNLAP: Yeah. They was there when I left.

15 MR. ZIEGLER: Okay. Okay. Why didn't you ever
16 talk to police for those three years?

17 MS. DUNLAP: 'Cause I didn't want to get involved
18 with that. I didn't want to get involved with none of it.

19 MR. ZIEGLER: Were you certain about what you saw?

20 MS. DUNLAP: I was certain about what I saw.

21 MR. ZIEGLER: And --

22 MS. DUNLAP: But I just didn't want to get
23 involved in it. I didn't even -- I could have went -- I
24 could have went and talked to my mom and them and told them
25 what was going on. And most likely she would have made me

1 come forward. I kept it to myself. I didn't want to be
2 bothered with it --

3 MR. ZIEGLER: Did.

4 MS. DUNLAP: -- no courts.

5 MR. ZIEGLER: Okay.

6 MS. DUNLAP: In and out of courts. Didn't say
7 anything to you. That was -- I ain't never been in nothing
8 like that in a day in my life. And I prayed that I'd never
9 ever have to go through that no more.

10 MR. ZIEGLER: Why is that? It sounds like you had
11 a hard experience.

12 MS. DUNLAP: It was.

13 MR. ZIEGLER: What made it so hard?

14 MS. DUNLAP: I mean the way the people look at you
15 in the courtroom, the way the -- watcha want to call it, the
16 prosecutor talk about you. I mean it was just -- the whole
17 case was -- and I didn't like it. And I said that I went
18 through this one. I made a promise to my Lord that I'd
19 never go through it again.

20 MR. ZIEGLER: Did you -- did you feel like Sammy
21 Mitchell was guilty?

22 MS. DUNLAP: I knew he was.

23 MR. ZIEGLER: Did you feel like Darryl Hunt was
24 guilty?

25 MS. DUNLAP: I didn't see Darryl hit that man.

1 MR. ZIEGLER: Okay. Did you feel like Merritt
2 Drayton was guilty?

3 MS. DUNLAP: Yeah. I feel like Merritt Drayton
4 was guilty of what he done.

5 MR. ZIEGLER: And when you say "what he done,"
6 what are you talking about there?

7 MS. DUNLAP: Well, I heard -- this is hearsay.
8 Mary was going with a guy named Willie Little. She was
9 taking care of him. He had had a stroke. From my
10 knowledge, that Drayton took and threw Mary over the balcony
11 right there on --

12 MR. ZIEGLER: So when -- when you say you feel
13 like Merritt Drayton is guilty, are you talking about the
14 death of Mary Smith?

15 MS. DUNLAP: The death of Mary Smith.

16 MR. ZIEGLER: Okay. Do you feel like Merritt
17 Drayton is guilty in the death of Arthur Wilson?

18 MS. DUNLAP: I didn't see him in there.

19 MR. ZIEGLER: Okay. Did you see -- okay.
20 Did you see him at the drink house that night?

21 MS. DUNLAP: I can't say that I did because I
22 wasn't at the drink house that long.

23 MR. ZIEGLER: Okay. Is that just the matter, you
24 just don't remember it right now?

25 MS. DUNLAP: Uh-uh. I don't remember --

1 MR. ZIEGLER: Okay.

2 MS. DUNLAP: -- seeing them.

3 MR. ZIEGLER: Okay. Would you have told the --

4 MS. DUNLAP: Because the whole --

5 MR. ZIEGLER: -- truth about that?

6 MS. DUNLAP: 'Cause the whole house was full of
7 people.

8 MR. ZIEGLER: Would you have told the truth about
9 that back when you were interviewed?

10 MS. DUNLAP: If I seen him, yeah.

11 MR. ZIEGLER: Okay.

12 MS. DUNLAP: I would have told them if he did
13 that. They didn't ask no questions about that.

14 MR. ZIEGLER: Okay. Did you know a person named
15 Richie Davis?

16 MS. DUNLAP: Richie Davis.

17 MR. ZIEGLER: He might have been a little bit
18 younger.

19 MS. DUNLAP: I can't remember.

20 MR. ZIEGLER: Did you know a person named Richard
21 Wright? He was younger.

22 MS. DUNLAP: Uh-uh.

23 MR. ZIEGLER: Did you know a person named Chucky
24 Simmons?

25 MS. DUNLAP: I don't know the names. I might know

1 them if I see their face, but other than that.

2 MR. ZIEGLER: Did you know a person named Wade
3 Brady?

4 MS. DUNLAP: Wade Brady. I know a lot of people
5 by face. The names --

6 MR. ZIEGLER: I -- I --

7 MS. DUNLAP: -- I'm not too good with.

8 MR. ZIEGLER: -- I understand.

9 Can you think of a reason why there would be
10 people who said they saw the crime and said it was not Sammy
11 and Darryl and Drayton?

12 MS. DUNLAP: No, I don't think so. Not unless
13 they was there.

14 MR. ZIEGLER: Well --

15 MS. DUNLAP: And I know I was there. I seen it.

16 MR. ZIEGLER: Well, do you -- I mean these are
17 people who say they saw it. I -- but can you think --

18 MS. DUNLAP: They weren't out there with me.
19 Where was they at?

20 MR. ZIEGLER: I can't tell you. I wasn't there.
21 Did you see anyone else out there, whether it was Mattie Mae
22 or Barbara or anyone that could have seen it?

23 MS. DUNLAP: Everybody that was -- everybody that
24 was outside towards the front that night. They was up on
25 the porch.

1 MR. ZIEGLER: Does that include Mattie Mae?

2 MS. DUNLAP: Mattie Mae, Barb. All of them. They
3 was up on the porch. Everybody had cups in their hand. It
4 was too crowded in the house, so they came out on the front.

5 MR. ZIEGLER: Okay.

6 MS. DUNLAP: And then they had a bunch of them
7 standing in the back.

8 MR. ZIEGLER: And when we talk about Barbara -- I
9 know I've mentioned the name Barbara Bason. Is that who
10 you're talking about?

11 MS. DUNLAP: Uh-huh.

12 MR. ZIEGLER: Is she the same person as Barbara
13 Sinclair?

14 MS. DUNLAP: No.

15 MR. ZIEGLER: Barbara Sinclair is a different
16 person?

17 MS. DUNLAP: Uh-huh.

18 MR. ZIEGLER: Do you know her?

19 MS. DUNLAP: Uh-huh.

20 MR. ZIEGLER: Do you know if she's still alive?

21 MS. DUNLAP: I don't know.

22 MR. ZIEGLER: Do you remember if she was at the
23 drink house that night?

24 MS. DUNLAP: I don't remember seeing her.

25 MR. ZIEGLER: Okay.

1 MS. DUNLAP: Like I said, I wasn't at that thing
2 long. Usually I go and get what I want and go on about my
3 business.

4 MR. ZIEGLER: And there used to be someone -- I
5 understand there was someone they used to call Big Titty
6 Barb.

7 MS. DUNLAP: That's Barbara Bason.

8 MR. ZIEGLER: That's Barbara Bason. That was my
9 question. Okay.

10 MS. DUNLAP: Yep. That's Barb.

11 MR. ZIEGLER: Okay. And, Ms. Dunlap, do you
12 remember when you talked to police that they showed you
13 lineups of people, there was a photo lineup?

14 MS. DUNLAP: No. They ain't show me no lineup.

15 MR. ZIEGLER: You don't remember them asking you
16 to pick out photos in a lineup?

17 MS. DUNLAP: No.

18 MR. ZIEGLER: Okay. But -- I think you already
19 answered this question. At the time when you talked to
20 police, did you know who Sammy Mitchell was?

21 MS. DUNLAP: Uh-huh.

22 MR. ZIEGLER: So you could pick out a picture of
23 Sammy Mitchell no problem?

24 MS. DUNLAP: Uh-huh. I can do that without no
25 problem.

1 MR. ZIEGLER: Did you know who Darryl Hunt was?

2 MS. DUNLAP: Uh-huh.

3 MR. ZIEGLER: And you could pick him out with no
4 problem, too?

5 MS. DUNLAP: Uh-huh.

6 MR. ZIEGLER: Okay. Okay, ma'am. I'm not going
7 to take up any more of your time today. I would just ask is
8 there a phone number where you can be reached in case we
9 need to follow up?

10 MS. DUNLAP: (336) 624 --

11 MR. ZIEGLER: 624.

12 MS. DUNLAP: -- 5291.

13 MR. ZIEGLER: Here is the subpoena for our
14 hearing. So the -- this is what our process is. We -- like
15 I said when we started, we are from the North Carolina
16 Innocence Inquiry Commission. We do not represent
17 Mr. Drayton. He has applied to our agency saying that he
18 did not do this murder of Arthur Wilson. And we are
19 investigating that, but we do not represent him. We do not
20 represent the prosecutor or the State. We are completely
21 neutral, only investigating for the truth.

22 So this case is set for a hearing which happens in
23 Raleigh. It's in front of eight commissioners. There's --

24 MS. DUNLAP: Well, y'all going to have a problem
25 'cause I don't have no transportation.

1 MR. ZIEGLER: Okay. Well, I -- I'm going to get
2 to that. We'll -- we'll definitely work with you on that.
3 So it's in front of eight commissioners: There's a judge,
4 there's a prosecutor, there's a defense attorney. There's
5 all these people from the criminal justice system. Our boss
6 presents the case, what is favorable to Mr. Drayton, what is
7 not favorable, everything. And those commissioners then
8 vote on whether they think there's enough evidence for this
9 to go up and have some judges take a look at it afterwards.

10 That hearing that I was mentioning in Raleigh is
11 scheduled for June 4th through June 7th. And that is what
12 this subpoena is for and it's for those four days. You are
13 not going to be needed for four days. So sometime between
14 now and then, we'll contact you and we'll narrow that down.
15 And we can get you a ride. I don't know, it probably
16 wouldn't be one of us, but someone from our office can give
17 you a ride.

18 It's possible that our boss, who, like I said,
19 presents the case, she may decide that she does not want to
20 call you as a witness. In that case, we can get in touch
21 and say you are released from that subpoena, don't worry
22 about it. That's not my decision. So -- so I don't know
23 how she's going to come down on that. But we will
24 definitely be in touch between now and then and we can --
25 you know, we can work out transportation for you. We -- we

1 don't want it to -- I know it's a little bit of a difficult
2 thing. We want to make it as easy for you as possible.

3 What was the address? What's the address here,
4 ma'am?

5 MS. DUNLAP: 1433 --

6 MR. ZIEGLER: 1433 --

7 MS. DUNLAP: Apartment P --

8 MR. ZIEGLER: And what --

9 MS. DUNLAP: Hutton Street.

10 MR. ZIEGLER: Hutton Street. That's right. So
11 this is the -- this is the subpoena that Julie had already
12 given to you. We'll be -- we'll call you at this number to
13 let you know a little bit more about that as the time comes.

14 MS. DUNLAP: All right.

15 MS. BRIDENSTINE: If your phone number changes for
16 any reason between now and then, just call the number for us
17 and let us -- let us know.

18 MR. ZIEGLER: And you've got my business card,
19 too.

20 MS. BRIDENSTINE: Our number should be -- right
21 here. This is our number. That's our main line. So if you
22 call that, someone will be able to help you.

23 MR. ZIEGLER: You've also got my business card. I
24 would ask that if you remember anything else, just because
25 it's been a long time, if your mind starts working about

1 this and you remember anything else, you just call and let
2 me know.

3 MS. DUNLAP: Uh-huh.

4 MR. ZIEGLER: All right. Thank you, ma'am. I
5 know -- I know this is not easy for any of you, but we
6 appreciate it. Thank you so much.

7 MS. DUNLAP: Uh-huh.

8 MS. BRIDENSTINE: Thank you.

9 (End of the recording.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the 45 pages of this transcript of the recorded interview of Patricia Dunlap was taken on April 22, 2019, is a true and accurate transcript to the best of my ability.

I further certify that I am not counsel for nor related to any party or attorney, nor am I interested in the results of this action.

This the 1st day of May 2019.

A handwritten signature in blue ink that reads "Donna Rowe". The signature is written in a cursive, flowing style.

DONNA ROWE

Handout 52

BARBARA JEAN BASON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	2/16/1986	3/14/1986
FIRST DEGREE CRIMINAL TRESPASS ENTER/REMAIN (M)	FORSYTH	10/5/1989	10/16/1989

Handout 53

JOHN HENRY CLOWERS JR.

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR LARCENY (M)	FORSYTH	9/29/1984	10/3/1984
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	9/29/1984	10/3/1984
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	2/16/1986	3/14/1986
ASSAULT AND BATTERY (M)	FORSYTH	2/13/1987	3/3/1987
ASSAULT INFLICT SERIOUS INJURY (M)	FORSYTH	3/21/1989	7/17/1989
URINATE IN PUBLIC (M)	FORSYTH	11/24/1991	12/12/1991
CARRYING CONCEALED WEAPON (M)	FORSYTH	11/24/1991	12/12/1991
POSSESS/CONSUME BEER/WINE UNAUTHORIZED PREMISES (M)	FORSYTH	1/25/1992	2/7/1992
ASSAULT ON A FEMALE (M)	FORSYTH	2/20/1998	5/8/1998
ASSAULT ON A FEMALE (M)	FORSYTH	4/10/1999	5/4/1999
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	3/27/2004	7/16/2004

Handout 54

ARNORA/ELNORA HARRIS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
LARCENY OVER \$200 (M)	GUILFORD	UNKNOWN	7/20/1973

Handout 55

MARY BYRD CARROLL

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	11/22/1985	2/18/1986
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	10/15/2006	9/14/2007
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	1/30/2009	7/17/2009

Handout 56

ROBERT BERNARD FLOWERS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
POSSESS MARIJUANA (M)	FORSYTH	10/13/1983	11/3/1983
LARCENY BY EMPLOYEE (F)	FORSYTH	10/13/1983	11/3/1983
FINANCIAL CARD FRAUD (M)	FORSYTH	10/22/1983	1/6/1984
FINANCIAL CARD FRAUD (M)	FORSYTH	10/23/1983	1/5/1984
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	4/19/1986	4/23/1986
ASSAULT ON A FEMALE (M)	FORSYTH	7/29/1987	8/10/1987
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	2/22/1989	3/10/1989
SIMPLE POSSESS COCAINE (M)	FORSYTH	2/22/1989	3/10/1989
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	5/18/1990	7/18/1990
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	5/18/1990	7/18/1990
POSSESS TOXIC VAPORS SUBSTANCE (M)	FORSYTH	1/31/1991	2/22/1991
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	1/31/1991	2/22/1991
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	1/31/1991	2/22/1991
MAINTAIN VEHICLE/DWELLING/PLACE CONTROLLED SUBSTANCE (M)	FORSYTH	1/31/1991	2/22/1991

INTOXICATED AND DISRUPTIVE (M)	FORSYTH	9/22/1992	10/23/1992
POSSESS BEER/WINE PUBLIC STREET (M)	FORSYTH	9/20/1995	11/13/1995
ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	4/10/1997	5/9/1997
ASSAULT ON A FEMALE (M)	FORSYTH	11/16/1997	12/12/1997
ASSAULT ON A FEMALE (M)	FORSYTH	11/16/1997	12/12/1997
ASSAULT ON A FEMALE (M)	FORSYTH	10/5/1999	10/15/1999

Handout 57

CAROL ANN WILSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
CONCEALMENT OF MERCHANDISE (M)	FORSYTH	UNKNOWN	7/10/1978
SOLICIT FOR PROSTITUTION (M)	FORSYTH	7/14/1984	8/14/1984
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	7/14/1984	8/14/1984
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	7/16/1984	8/14/1984
SOLICIT FOR PROSTITUTION (M)	FORSYTH	7/26/1984	10/2/1984
MAINTAIN PLACE FOR PROSTITUTION (M)	FORSYTH	8/24/1985	9/18/1985
SOLICIT FOR PROSTITUTION (M)	FORSYTH	9/20/1985	11/6/1985
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	9/20/1985	10/22/1985
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	2/6/1998	4/24/1998
SECOND DEGREE TRESPASS (M)	FORSYTH	10/5/2000	12/8/2000
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	1/30/2004	3/4/2004
MAINTAIN VEHICLE/DWELLING/PLACE CONTROLLED SUBSTANCES (M)	FORSYTH	1/30/2004	3/4/2004

Handout 58

MARY EMMA COBLE

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
UTTERING FORGED CHECK (F)	FORSYTH	11/18/1980	2/9/1981
CRUELTY TO ANIMALS (M)	FORSYTH	5/23/2001	9/4/2002

Handout 59

JAMES ROBERT FORD

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
ARMED ROBBERY (F)	SOUTH CAROLINA	UNKNOWN	5/7/1971
LARCENY (M)	FORSYTH	UNKNOWN	12/18/1980
LARCENY (M)	FORSYTH	UNKNOWN	12/18/1980
BREAKING AND ENTERING (F)	FORSYTH	8/26/1983	1/4/1984
BREAKING/ENTERING AND LARCENY (F)	FORSYTH	10/28/1983	1/5/1984
INJURY TO REAL PROPERTY (M)	FORSYTH	11/9/1988	12/13/1988
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	12/8/1988	12/15/1988
DISORDERLY CONDUCT (SUMMARY)	PENNSYLVANIA	UNKNOWN	10/24/1990
POSSESS WITH INTENT TO DISTRIBUTE COCAINE BASE (F)	FEDERAL	UNKNOWN	5/24/1991
CONSPIRACY TO DISTRIBUTE NARCOTICS (F)	FEDERAL	UNKNOWN	5/24/1991

Handout 60

9 MR. ZIEGLER: There's a man named Merritt Williams
10 Drayton who has applied to our agency. Do you know who that
11 is?

12 MR. FORD: No, I don't know that name.

13 MR. ZIEGLER: Okay. He was convicted of the
14 murder of Arthur Wilson back in 1983. Does that sound
15 familiar to you?

16 MR. FORD: Arthur Wilson, yeah, that name sounds
17 familiar.

18 MR. ZIEGLER: Okay. Do you remember anything
19 other than just that name sounding familiar?

20 MR. FORD: No. Was he associated with Darryl --
21 Darryl Hunt?

22 MR. ZIEGLER: He was. Darryl Hunt and Sammy
23 Mitchell were co-defendants --

24 MR. FORD: Right.

25 MR. ZIEGLER: -- in that case.

1 MR. FORD: Right.

2 MR. ZIEGLER: What do you remember about that?

3 MR. FORD: I can't remember anything about that.

4 MR. ZIEGLER: Okay.

5 MR. FORD: I mean I remember the case of Darryl
6 Hunt and -- and -- and Sammy Mitchell. I remember that
7 case. I -- I felt like they was being falsely accused of --
8 is that the man that they was accused of killing?

9 MR. ZIEGLER: Correct. This is -- it's different
10 from the Deborah Sykes case.

11 MR. FORD: Right.

12 MR. ZIEGLER: Right.

13 MR. FORD: Right. Right. Now -- now I know. Now
14 I know, yeah. I'm familiar with that.

15 MR. ZIEGLER: Okay. Okay. What -- what do you
16 remember about that?

17 MR. FORD: All I can tell you is what I -- I saw
18 that night that particular night. And there was two --
19 there was two people that were not Sammy Mitchell and Darryl
20 Hunt that I actually saw. I saw the men.

21 MR. ZIEGLER: Okay.

22 MR. FORD: Yeah. Who was -- was somebody
23 convicted of that -- that crime?

24 MR. ZIEGLER: Yes, sir. Sammy Mitchell was
25 convicted. He is deceased now.

1 MR. FORD: Right.

2 MR. ZIEGLER: And Merritt Williams Drayton was
3 convicted. He's still in prison.

4 MR. FORD: Okay.

5 MR. ZIEGLER: So he -- he --

6 MR. FORD: So Darryl Hunt was -- Darryl Hunt
7 wasn't convicted?

8 MR. ZIEGLER: Darryl Hunt was convicted at his
9 first trial. He got a new trial on appeal and he was not
10 convicted at his --

11 MR. FORD: Right.

12 MR. ZIEGLER: -- at his second trial.

13 Did you --

14 MR. FORD: Okay.

15 MR. ZIEGLER: -- did you ever testify in court do
16 you remember?

17 MR. FORD: I testified -- let me see. Yeah, I
18 did. I did.

19 MR. ZIEGLER: Okay. Do you remember how many
20 times?

21 MR. FORD: Just one, one trial.

22 MR. ZIEGLER: Okay. And do you remember how you
23 came forward to say that you had information about that
24 case?

25 MR. FORD: I was in prison and I told my lawyer

1 about it. And I was telling my lawyer, I said, Those guys
2 did not kill that man. I -- I recognized two other people
3 that looked similar to Darryl Hunt and Sammy Mitchell.

4 MR. ZIEGLER: Okay. Do you remember where you
5 were coming from or where you were going when you saw --

6 MR. FORD: Oh, yeah. I was -- you know, I made
7 this public. I was -- I was coming from -- I was coming
8 from home and I was going to -- to a -- a friend's house.

9 MR. ZIEGLER: And after you saw what happened, did
10 you go to that friend's house?

11 MR. FORD: Yeah, I continued.

12 MR. ZIEGLER: Do -- what was that person's name?

13 MR. FORD: The person's -- I don't want to bring
14 it back up. I don't -- that's one of the things I kinda
15 regret was getting the guy and bringing his name up. I
16 don't want to bring his name back up.

17 MR. ZIEGLER: I -- I mean I'll tell you it's
18 probably a name we already have.

19 MR. FORD: Yeah. It's already on record.

20 MR. ZIEGLER: Is it Al Barnhill?

21 MR. FORD: Yeah, Al Barnhill.

22 MR. ZIEGLER: Okay. How long -- when you -- I
23 know it's been a long time, so if you don't remember, just
24 tell me you don't remember. I'm not asking you to, you
25 know, say things if you don't really remember it. But can

1 you tell me exactly what you saw as best as you can
2 remember?

3 MR. FORD: Yeah. I went out on my way to
4 Barnhill's house, you know. I saw two guys like in the
5 shadows of, you know, a store. There was a store right in
6 that area. And it was like back in the darkness of -- you
7 know, in the store.

8 MR. ZIEGLER: Okay.

9 MR. FORD: And I just looked and I saw them, so I
10 kept on walking. And (inaudible) and I was, you know, going
11 to the dealer. And on my way back, I saw -- I saw those two
12 guys was following me. I saw the men. Yeah. You know,
13 there's a big -- a big rock, a big brick, you know.

14 MR. ZIEGLER: Okay. And when you say it was big,
15 was that -- would it take two hands to lift it up or one
16 hand?

17 MR. FORD: Only one hand if you're strong enough.

18 MR. ZIEGLER: Okay.

19 MR. FORD: And it was right there beside the man.
20 It was right there beside the man. When I saw what
21 happened, you know. I didn't know if he was dead or not.

22 MR. ZIEGLER: Were the two --

23 MR. FORD: It was a blue car. It was a blue car.
24 Somebody came up in a blue car.

25 MR. ZIEGLER: Did you see the blue car?

1 MR. FORD: Yeah. I saw the blue car.

2 MR. ZIEGLER: Okay. So there was a statement that
3 you -- that you wrote. I have a copy of the statement that
4 you wrote when you talked to an investigator.

5 MR. FORD: Oh, yeah. After I was in South
6 Carolina.

7 MR. ZIEGLER: Right. And at that point, you said
8 that someone told you there was a blue car, but you did not
9 see it.

10 MR. FORD: I saw the blue car. Nobody told me. I
11 saw the car.

12 MR. ZIEGLER: Okay. And what did you see the guys
13 do?

14 MR. FORD: Well, I -- well, what -- what caught my
15 eye was that the man was falling down and the guys were
16 standing over the top of him. Yeah, that's what I saw.

17 MR. ZIEGLER: Did you see anyone hit him?

18 MR. FORD: I can't tell you that I really saw
19 somebody hit him, but I know that (inaudible) --

20 MS. MATOIAN: I'm going to run to the car real
21 quick.

22 MR. FORD: Is that in the records that I saw them
23 hit him?

24 MS. MATOIAN: I'll be right back. I've got to get
25 something.

1 MR. FORD: It's been a while.

2 MR. ZIEGLER: Right. I understand it's been a
3 long time.

4 MR. FORD: '80-, '80- what, '80-?

5 MR. ZIEGLER: Your statement says, "One of the men
6 used a brick to hit a man in the head."

7 MR. FORD: Yeah.

8 MR. ZIEGLER: So I'm just going to -- I'm going to
9 mark this with a 22.

10 (Exhibit Number 22 was introduced.)

11 MR. ZIEGLER: But this is your statement that you
12 wrote -- I'm not sure if you wrote it or if someone else
13 wrote that for you.

14 MR. FORD: That's -- yeah, that's what -- I didn't
15 write it.

16 MR. ZIEGLER: Okay. Does that look familiar to
17 you at all?

18 MR. FORD: I think one of the policemen wrote
19 that.

20 MR. ZIEGLER: Okay. So this was a private
21 investigator that was working for Darryl Hunt's attorney.
22 Do you remember talking to him?

23 MR. FORD: Oh, he wrote that?

24 MR. ZIEGLER: Yeah.

25 MR. FORD: Oh, okay. Okay.

1 MR. ZIEGLER: Okay. And then is that your
2 signature?

3 MR. FORD: Yeah. That's my signature.

4 MR. ZIEGLER: Okay. Okay. And as far as I know,
5 this is your first official statement about this.

6 MR. FORD: Right. Right.

7 MR. ZIEGLER: Did you -- what made you decide to
8 tell your lawyer that you --

9 MR. FORD: Well, you know, I was feeling like
10 somebody is going to go to jail for something that they did
11 not do. And I feel like -- you know, when it came out on
12 the news that Sammy Mitchell -- I know Sammy Mitchell. We
13 was in school together. And Darryl Hunt, but, you know,
14 he's much younger. Well, he's like a follower, Darryl --
15 Sammy Mitchell.

16 MR. ZIEGLER: Okay.

17 MR. FORD: Yeah.

18 MR. ZIEGLER: Did you -- before you told your
19 lawyer that had you ever told anyone else?

20 MR. FORD: Nope.

21 MR. ZIEGLER: Did you ever talk to a police
22 officer about that?

23 MR. FORD: I can't remember. I know when I was in
24 South Carolina I talked to officers.

25 MR. ZIEGLER: Okay. So in this -- this statement

1 that was written and you signed that had marked 22, it says
2 that -- I'm just going to read for you from this last
3 paragraph from your statement. It starts on the bottom of
4 the second page, it says:

5 "I did not see a car at the scene that night.
6 However, it is possible a car could have been coming from
7 17th Street. A few weeks after that, I spoke with a
8 detective from Winston-Salem Police Department. I think his
9 name was Belton. He's a black officer."

10 MR. FORD: Uh-huh.

11 MR. ZIEGLER: Do you remember that?

12 MR. FORD: Yeah.

13 MR. ZIEGLER: What do you remember about that?

14 MR. FORD: I can't -- I can't remember. He was
15 telling me, you know, if I -- we need to get these guys
16 whoever it was. We need to get them off the street.

17 And -- and I looked at him, I said, Well, you
18 know, I'll cooperate with you. And I told him, I need to do
19 what I need to do.

20 MR. ZIEGLER: Okay. So I'm just going to keep
21 reading from that where I left off.

22 "He told me a man had witnessed the three guys
23 running away and the man ran after them. He said this guy
24 is driving a blue car" --

25 MR. FORD: Yeah. Yeah.

1 MR. ZIEGLER: -- "and his girlfriend was in the
2 car with him."

3 Do you remember that?

4 MR. FORD: Yeah.

5 MR. ZIEGLER: Do -- do you remember Detective
6 Belton telling you about the car?

7 MR. FORD: I -- I saw the car. I remember the
8 car.

9 MR. ZIEGLER: You saw the car?

10 MR. FORD: I didn't know the car was like
11 associated with what happened. I thought -- I thought the
12 person in the blue car was coming to him.

13 MR. ZIEGLER: Did you ever see anybody in a car
14 follow the suspects?

15 MR. FORD: I can't say. I can't -- not right now
16 I can't recollect.

17 MR. ZIEGLER: And I understand. It's been a long
18 time. So if you don't remember, that's --

19 MR. FORD: Yeah.

20 MR. ZIEGLER: -- I -- I understand.

21 So what you remember today is that you saw how
22 many people?

23 MR. FORD: Three people in total.

24 MR. ZIEGLER: Three people in total.

25 MR. FORD: The two guys that I identified as the

1 one that assaulted the man and the guy in the blue car.

2 MR. ZIEGLER: Okay. At the time when you gave
3 this statement -- and this is on the front page of what I
4 had marked 22 -- it says:

5 "I saw three men there. I'm a witness to the
6 murder of Arthur Wilson. On the night he was killed, I was
7 at the corner of 18th and Claremont."

8 MR. FORD: Yeah.

9 MR. ZIEGLER: "I believe it was around 1:00 or
10 2:00 in the morning. I saw three guys at this intersection;
11 one guy was standing next to the white store on the corner,
12 a truck was parked in front of the store, and the other two
13 guys were standing there."

14 Does that sound familiar today?

15 MR. FORD: I'm not sure about the three guys.
16 I know about the two guys.

17 MR. ZIEGLER: Okay. Do you remember ever looking
18 at photo lineups that the police showed you?

19 MR. FORD: Uh-huh.

20 MR. ZIEGLER: And do you remember picking out
21 people?

22 MR. FORD: Uh-huh.

23 MR. ZIEGLER: Okay. So there's a report that says
24 you had picked out three people. Do you have any reason to
25 think that's wrong?

1 MR. FORD: I thought I picked out two.

2 MR. ZIEGLER: Two?

3 MR. FORD: Two people that I identified.

4 MR. ZIEGLER: Okay. And again, I understand it's
5 been a very long time.

6 MR. FORD: Yeah.

7 MR. ZIEGLER: Do you remember who those two people
8 are?

9 MR. FORD: I could identify them if you -- in a
10 lineup. I don't know their names.

11 MR. ZIEGLER: Have you seen them since then?

12 MR. FORD: I saw one of them. I think I saw one
13 of them. I think I did.

14 MR. ZIEGLER: And did you ever talk about this?

15 MR. FORD: No.

16 MR. ZIEGLER: No. Okay.

3 MR. FORD: I identified two people. I didn't
4 identify three people. I identified two people.

5 MR. ZIEGLER: Two people. Okay. And I think you
6 said this a few minutes ago, but do you remember seeing the
7 brink when you were there?

8 MR. FORD: Oh, yeah. It was right beside the man
9 by his head.

10 MR. ZIEGLER: Right beside the man.

11 MR. FORD: Right beside him. And the police had
12 took pictures over there.

13 MR. ZIEGLER: Was it -- was the brick in the
14 street?

15 MR. FORD: Yes. It was in the street. It was
16 right beside the man laying in the street.

17 MR. ZIEGLER: Okay. Do you remember -- and again,
18 I understand it's been a long time. If you don't remember,
19 that's okay. Do you remember which side of him it was on or
20 whether it was close to his feet or his head?

21 MR. FORD: I can't say.

22 MR. ZIEGLER: Okay.

23 MR. FORD: I can't say.

24 MR. ZIEGLER: I understand. I understand.

25 Did you see any other people out there that were

1 walking or could have seen what happened?

2 MR. FORD: No. It was pretty late or early,
3 1 o'clock in the morning, 1 or 2 o'clock in the morning.
4 There wasn't a lot of people out.

5 MR. ZIEGLER: Did you ever go to the drink house
6 over on Claremont, Ezelle's?

7 MR. FORD: Who?

8 MR. ZIEGLER: Ezelle Clowers.

9 MR. FORD: No.

10 MR. ZIEGLER: He had a drink house up on
11 Claremont.

12 MR. FORD: No, I never went there.

4 MR. ZIEGLER: Okay. I'm -- I'm going to read you
5 just a little bit out of this article.

6 MR. FORD: Okay.

7 MR. ZIEGLER: And when it says "he," it's talking
8 about you.

9 MR. FORD: All right.

10 MR. ZIEGLER: It says:

11 "At first he decided to keep what he knew to
12 himself, Ford said. I was living up to a code that you
13 don't squeal on people. That's the code in prisons and
14 that's the code in the community. Then he said he told
15 police about what he had seen in 1983 in exchange for a
16 reduced bond on breaking and entering charge."

17 MR. FORD: Uh-huh.

18 MR. ZIEGLER: Do you remember that?

19 MR. FORD: Yeah.

20 MR. ZIEGLER: Okay. "He said he gave them the
21 names of the men who had beaten Wilson." And in this
22 article it's saying three men. I know you remember two
23 right now.

24 MR. FORD: Right.

25 MR. ZIEGLER: So did -- back at that time, did you

1 know their names?

2 MR. FORD: No.

3 MR. ZIEGLER: No.

4 MR. FORD: No. I didn't know their names.

5 That -- that article, you know, has anything sensational I
6 guess for readership. But, no, I didn't -- I did not know
7 their names.

8 MR. ZIEGLER: Okay. So when you talked to
9 Detective Belton, do you think you would have been able to
10 give him names?

11 MR. FORD: No. The thing was, Tisdale. Tisdale
12 was the prosecutor.

13 MR. ZIEGLER: Right.

14 MR. FORD: Tisdale -- the police contacted
15 Tisdale. Tisdale told them to let me out for the purpose of
16 giving the names of the people then.

17 MR. ZIEGLER: Okay. So that was in 1983. But
18 then they never arrested anybody, and this case was closed,
19 until later in 1986. And that's when you would have heard
20 about it on the news?

21 MR. FORD: Right.

22 MR. ZIEGLER: Did you talk to anybody during those
23 years in between and tell them what you had seen?

24 MR. FORD: Oh, now, you -- you bringing things
25 back to me now about doing that. Okay. The incident you're

1 talking about in about '82, right?

2 MR. ZIEGLER: Right.

3 MR. FORD: Okay. I went down to South Carolina.
4 I was reading the newspaper. It was the "Charlotte
5 Observer". At the time I worked there in charge, Darryl
6 Hunt and Sammy Mitchell worked there.

7 MR. ZIEGLER: Right. So that -- when Darryl --

8 MR. FORD: That's when I -- that's when I
9 contacted -- I think I contacted Larry and told Larry, no,
10 they didn't do that.

11 MR. ZIEGLER: Right. So that all happened in
12 1986?

13 MR. FORD: Uh-huh.

14 MR. ZIEGLER: That's three years after --

15 MR. FORD: Three years after, right.

16 MR. ZIEGLER: -- it happened?

17 MR. FORD: Right.

18 MR. ZIEGLER: Now, during those three years, did
19 you ever tell anybody?

20 MR. FORD: No.

21 MR. ZIEGLER: You just kept it to yourself --

22 MR. FORD: Yeah.

23 MR. ZIEGLER: -- until you saw --

24 MR. FORD: Yeah.

25 MR. ZIEGLER: Okay. Do you know Patricia Baldwin?

1 MR. FORD: Yeah. She's dead now. She died. What
2 -- what did she do now?

3 MR. ZIEGLER: Did you see her that night?

4 MR. FORD: Oh, yeah. I saw her that night.

5 MR. ZIEGLER: When did you see her that night?

6 MR. FORD: Before I -- before I walked through to
7 Barnhill.

8 MR. ZIEGLER: You saw her before?

9 MR. FORD: Uh-huh. Before and after.

10 MR. ZIEGLER: And after. Did you say anything to
11 her about what you had seen?

12 MR. FORD: Yeah. I think I -- I think I told her
13 -- I don't remember if I told -- I told Patricia. I thought
14 that was somebody else.

15 MR. ZIEGLER: Okay.

16 MR. FORD: That I -- what I saw. I don't recall
17 now. It's crazy.

18 MR. ZIEGLER: Right. What about Barron Baldwin?

19 MR. FORD: Who?

20 MR. ZIEGLER: Barron Baldwin.

21 MR. FORD: He's dead.

22 MR. ZIEGLER: Did you see him that night?

23 MR. FORD: Uh-huh.

24 MR. ZIEGLER: When did you see him?

25 MR. FORD: Afterwards.

1 MR. ZIEGLER: After. And do you think you said
2 anything to him about it?

3 MR. FORD: I could have. It's possible.

4 MR. ZIEGLER: Did you stay with Barron Baldwin at
5 Patricia's apartment that night?

6 MR. FORD: No.

7 MR. ZIEGLER: No. Can you think of a reason why
8 she would have said that you were there?

9 MR. FORD: At her apartment?

10 MR. ZIEGLER: Yes, sir.

11 MR. FORD: I don't know. Oh, did she say that?

12 MR. ZIEGLER: She did. And unfortunately, I do
13 not have that report with me. But she told police that you
14 could not have seen the crime because you were at her
15 apartment.

16 MR. FORD: Oh, no. I ain't never -- no, no. I
17 ain't never -- no -- go out with her like that.

18 MR. ZIEGLER: Can you think of a reason why she
19 would say that?

20 MR. FORD: Nope. I have no idea unless she was
21 like manipulated into saying it.

22 MR. ZIEGLER: Are you --

23 MR. FORD: What did she --

24 MR. ZIEGLER: Are you just guessing or do you have
25 a reason to believe she was manipulated?

1 MR. FORD: She was -- she was easily manipulated.
2 But it depends on who you talk -- who was she talking to?

3 MR. ZIEGLER: She was talking to police.

4 MR. FORD: No. I -- no, I did not -- I did not
5 stay with her. I never stayed with her. I did not. Now,
6 why did she say that? Unless she had some charges downtown
7 and she was trying to get out of them.

8 MR. ZIEGLER: Do you know a Melanie?

9 MR. FORD: Who?

10 MR. ZIEGLER: Melanie.

11 MR. FORD: Oh, yes.

12 MR. ZIEGLER: What's her last name?

13 MR. FORD: I think she is a Lewis.

14 MR. ZIEGLER: Melanie Lewis, right.

15 MR. FORD: Yeah.

16 MR. ZIEGLER: Did you see her that night?

17 MR. FORD: Oh, yeah, definitely.

18 MR. ZIEGLER: When did you see her?

19 MR. FORD: I saw her before and after I got back.

20 MR. ZIEGLER: Okay.

21 MR. FORD: What'd she testify to?

22 MR. ZIEGLER: Did she say -- did you say anything
23 to her about what you saw?

24 MR. FORD: I think I did.

25 MR. ZIEGLER: Okay.

1 MR. FORD: Did she give a statement?

2 MR. ZIEGLER: She did. Can you think -- did you
3 see -- were you with her when you saw maybe ambulance or
4 police around --

5 MR. FORD: Uh-uh, I can't.

6 MR. ZIEGLER: Well, actually before I ask that
7 question, let me back up. Did you ever see an ambulance or
8 police around?

9 MR. FORD: Now, actually -- well, you know, after
10 I left that particular street, I walked about three -- about
11 two block over, two or three blocks over and that was it. I
12 didn't go back on -- I didn't go back to the scene after the
13 police arrived or an ambulance arrived.

14 MR. ZIEGLER: Can you think of the reason why
15 Melanie would say that you could not have seen the crime
16 because you were getting high with her?

17 MR. FORD: Nope. Unless she -- she misunderstood
18 the timing of it. That -- you know, like I was saying in my
19 statement, I was going to get drugs. She and I was going to
20 get -- yeah, that's the apartments there. I went there, saw
21 what I saw. I was on my way back, I saw what I saw. That's
22 when we got high after all those events occurred.

23 MR. ZIEGLER: After you had seen it?

24 MR. FORD: Yeah.

25 MR. ZIEGLER: Okay. And when you say you were

1 going to get drugs, was that from -- whose house was that
2 from?

3 MR. FORD: Barnhill. I regret that.

4 MR. ZIEGLER: And where did you take the -- after
5 you got the drugs, where did you go back to?

6 MR. FORD: To Melanie.

7 MR. ZIEGLER: Okay. And where did Melanie stay?

8 MR. FORD: On 19th Street.

9 MR. ZIEGLER: 19th Street. Is she in the same
10 place where Patricia stayed?

11 MR. FORD: No, no, no, no.

12 MR. ZIEGLER: Those are different places?

13 MR. FORD: Different places, yeah.

14 MR. ZIEGLER: Did you go to Patricia's?

15 MR. FORD: No.

16 MR. ZIEGLER: Not that night?

17 MR. FORD: No.

18 MR. ZIEGLER: Where -- where did you see Patricia?

19 MR. FORD: She probably at Melanie's house.

20 MR. ZIEGLER: Okay. Did Melanie have a drink
21 house?

22 MR. FORD: Yes. That was her drink house.

23 MR. ZIEGLER: Okay.

24 MR. FORD: That's where we used to -- it was like
25 a club house. You know, that's where everybody used to be

1 at.

2 MR. ZIEGLER: Was there somebody else, another guy
3 that you got high with, another guy and Melanie?

4 MR. FORD: It could have been -- I can't think of
5 anybody right now.

6 MR. ZIEGLER: Did Al Barnhill ever go by any --
7 any nicknames or anything?

8 MR. FORD: No.

9 MR. ZIEGLER: Did you know somebody named Leroy?

10 MR. FORD: Who?

11 MR. ZIEGLER: Leroy.

12 MR. FORD: No.

13 MR. ZIEGLER: Did Melanie ever send you to get --
14 to get cocaine from Leroy's house?

15 MR. FORD: No. Leroy. You said Leroy?

16 MR. ZIEGLER: Leroy, yes, sir.

17 And can you think of a reason why Melanie would
18 say you could not have seen the crime because you were with
19 her?

20 MR. FORD: I -- I can't understand why she would
21 say that.

22 MR. ZIEGLER: Okay.

23 MR. FORD: Unless they manipulated her to saying
24 that. And at that time there was a lot of dirty stuff going
25 on down there at the prosecution office. Mr. Tisdale's

1 office there was a lot of stuff going on, a lot of screwed
2 up stuff was going on out of his office that I knew about.
3 He told me not to talk about it. But --

4 MR. ZIEGLER: Is there anything --

5 MR. FORD: -- a lot of people that --

6 MR. ZIEGLER: -- any of that that was relating to
7 this case --

8 MR. FORD: No. No.

9 MR. ZIEGLER: -- that you know of?

10 MR. FORD: Just in general. Just in general.

11 MR. ZIEGLER: Okay.

12 MR. FORD: Tisdale was not a very good prosecutor.

13 MR. ZIEGLER: Okay.

14 MR. FORD: And he would manipulate people to
15 testify under -- under the threat of going to jail.

16 MR. ZIEGLER: Can you explain that a little bit
17 more? You just said he would manipulate people into doing
18 stuff under the threat of going to jail. Can you explain
19 that a little bit more to me?

20 MR. FORD: Well, you know, if people like was
21 doing -- involved in drugs or illegal activities or -- and
22 your name came up, you know, like Melanie and Patricia, they
23 all people that was involved in drugs and doing things. And
24 he probably -- it's possible that he had some dirt on them
25 and manipulated them into -- saying what they said. I don't

1 understand why they would say that.

2 MR. ZIEGLER: Okay.

3 MR. FORD: I really don't.

4 MR. ZIEGLER: Did you know a man named Wilbert
5 Allen?

6 MR. FORD: No, I can't think -- not by name.

7 MR. ZIEGLER: Can you think of a reason why a man
8 named Wilbert Allen would say that you, Sammy Mitchell,
9 Merritt Drayton, and Darryl Hunt were all involved in this
10 crime?

11 MR. FORD: No.

12 MR. ZIEGLER: Okay. Were you involved?

13 MR. FORD: No. Oh, no. I didn't kill nobody,
14 man, I didn't do that. Went over the head.

23 MR. ZIEGLER: Can you think of -- did you know
24 that the police talked to Al Barnhill?
25 MR. FORD: They probably did. Because when I

1 testified, they brought Al Barnhill and these two guys that
2 I identified in the lineup and they were in court on the
3 front row while I testified.

4 MR. ZIEGLER: Did they also testify?

5 MR. FORD: I don't know. I don't know.

6 MR. ZIEGLER: Do you know why they brought them
7 there?

8 MR. FORD: Tisdale. I think Tisdale brought them
9 there to intimidate me to make, you know, make me feel like
10 I shouldn't be doing what I was doing under the code, the
11 street code. And that's the only reason I can -- I got
12 laughed at because anything (inaudible) because I knew what
13 he was. He was on the front row and it's two guys that I
14 identified as being the people that were involved in the --
15 in the -- in the murder. And -- and I -- Tisdale must be
16 trying to intimidate me into not testifying, to change my
17 story up. So I just hung tough and maintained my -- you
18 know, my truth, what I felt like was the truth.

19 MR. ZIEGLER: Okay.

20 MR. FORD: And I went on and testified. It was
21 hard decision to do at that particular time where I felt
22 like, you know, somebody is getting ready to go to jail for
23 something they really didn't do.

24 MR. ZIEGLER: At the time -- when you saw Al
25 Barnhill that night, did you buy cocaine from him?

1 MR. FORD: Yes, I did.

2 MR. ZIEGLER: Were you high at the time you saw
3 him?

4 MR. FORD: No, I wasn't.

5 MR. ZIEGLER: Can you think of a reason he would
6 say he thought you were high and you didn't see what
7 happened?

8 MR. FORD: Oh, he's probably saying that. I don't
9 know.

10 MR. ZIEGLER: Can you think of a reason why he
11 would say that?

12 MR. FORD: I have no idea.

13 MR. ZIEGLER: Okay. Were you friends with him
14 back then?

15 MR. FORD: Yeah. We're still friends. We're
16 friends right now.

17 MR. ZIEGLER: Okay.

18 MR. FORD: I mean it's -- I mean he -- he don't --
19 he didn't like the fact that I did what I did --

20 MR. ZIEGLER: Right.

21 MR. FORD: -- but he kind of understood.

22 Eventually I hated I did that because I involved him, and
23 particularly what they were doing, you know.

24 MR. ZIEGLER: Right.

25 MR. FORD: But we're still friends right now.

9 MR. ZIEGLER: This is another police report and it
10 -- it's several pages long, but -- and it -- it starts on
11 page -- on Bates stamped page 91 on the bottom. But I'm
12 going to turn to page 94 because that's where it talks about
13 the polygraph.

14 MR. FORD: Yeah.

15 MR. ZIEGLER: And it says:

16 "Special Agent Mitchell" -- who I believe to be
17 the South Carolina officer you're talking about.

18 MR. FORD: Yeah. State, work for the State.

19 MR. ZIEGLER: It says:

20 "Special Agent Mitchell advised both the writer
21 and Detective Weavil and Lieutenant Simms that Ford was in
22 fact lying in regards to the facts in regards to the Arthur
23 Wilson murder case."

24 That's after the polygraph.

25 MR. FORD: Uh-huh.

1 MR. ZIEGLER: Is that what they also -- they told
2 you?

3 MR. FORD: Yeah. They told me I was lying.

4 MR. ZIEGLER: Okay.

5 MR. FORD: He told me -- he got all up in my face,
6 "You're lying." That's what I mean by he was cooperating
7 with the police of North Carolina, Winston-Salem.

8 MR. ZIEGLER: Okay. So --

9 MR. FORD: He was -- he was aggressive about it.
10 I said, Lying --

11 MR. ZIEGLER: So I'm just --

12 MR. FORD: -- I'm telling the truth.

13 MR. ZIEGLER: I'm just going to keep reading a
14 little bit from this report about that.

15 MR. FORD: Yeah, go ahead.

16 MR. ZIEGLER: Okay. It says:

17 "At this time the writer" -- who I believe where
18 it says "the writer," I believe he's talking about Detective
19 Spillman. I don't know if you know Detective --

20 MR. FORD: Uh-huh. Yeah. Detective Spillman.

21 MR. ZIEGLER: Okay. "This time the writer and
22 Detective Weavil again interviewed Ford in regards to the
23 information he had submitted to the Investigator Burns" --
24 that's that first statement --

25 MR. FORD: Right.

1 MR. ZIEGLER: -- that was from Darryl Hunt's
2 attorney investigator -- "in regards to the death of Arthur
3 Wilson. Ford at this time gave the writer, Detective
4 Weavil, and Detective Simms a written statement in regards
5 to the Arthur Wilson murder case. In this first statement,
6 the writer and Detective Weavil received report. He did, in
7 fact, admit that portions of the statement that he had given
8 Investigator Burns was, in fact, in correct."

9 Do you recall that?

10 MR. FORD: No.

11 MR. ZIEGLER: "The writer attempted to get Ford to
12 clarify questions in regard to the statement he gave writer
13 and Detective Weavil. At this time, Ford did advised
14 Detective Weavil and the writer in the first statement that
15 portions were inaccurate in the statement that he gave
16 Investigator Burns. He, in fact, did not know exactly what
17 Wilson was murdered with on the night that Wilson was
18 assaulted."

19 MR. FORD: No. No.

20 MR. ZIEGLER: When you say "No," do you mean
21 that's inaccurate?

22 MR. FORD: That's inaccurate.

23 MR. ZIEGLER: Okay.

24 MR. FORD: That's inaccurate.

25 MR. ZIEGLER: "Ford also advised Detective Weavil

1 and the writer that he could be confused in regards to who,
2 in fact, he saw at the intersection of 18 and Claremont."

3 MR. FORD: No.

4 MR. ZIEGLER: Were you confused?

5 MR. FORD: No, I never been confused.

6 MR. ZIEGLER: "The writer talked further with Ford
7 in regards to these facts. Ford advised the writer that" --
8 and this is a quote they're saying came from you -- "What
9 are they going to do to me when I tell them I did not tell
10 the truth."

11 MR. FORD: No.

12 MR. ZIEGLER: Do you remember saying that?

13 MR. FORD: No.

14 MR. ZIEGLER: Okay.

15 MR. FORD: That was all made up, all of it.

16 MR. ZIEGLER: Do you remember ever giving a
17 written statement to the police?

18 MR. FORD: Did I sign that?

19 MR. ZIEGLER: No, sir. This is a police report.

20 MR. FORD: No, no. I didn't sign that.

21 MR. ZIEGLER: Okay. Do you remember ever giving a
22 written statement but then tearing it up before you --

23 MR. FORD: Yeah. I was telling them -- they -- I
24 said, What -- they were writing -- they were writing stuff.
25 I said, (inaudible). And I started writing, so I just threw

1 it down. I said, No, I'm not going to do this.

2 MR. ZIEGLER: Was that something you were writing
3 in your own handwriting?

4 MR. FORD: I did in my own writing. I tore it up.

5 MR. ZIEGLER: What made you decide to tear it up?

6 MR. FORD: I tore it up because I felt like it --
7 it wasn't going to be properly handled. And when they
8 (inaudible).

9 MS. MATOIAN: What made you think that?

10 MR. FORD: Huh?

11 MS. MATOIAN: What made you think that?

12 MR. FORD: Because I saw how they were conducting
13 themselves. They -- they wasn't there to get the truth.
14 They was -- they was there to convince me not to testify.
15 They didn't want me to testify. That's what they were there
16 for, to intimidate me.

17 MR. ZIEGLER: Did they tell you that?

18 MR. FORD: What?

19 MR. ZIEGLER: Did they tell you that they did not
20 want you to testify?

21 MR. FORD: No, they didn't tell me that, but their
22 actions were that.

23 MR. ZIEGLER: Okay.

24 MR. FORD: You know, they didn't want me to
25 testify. They didn't want to hear it.

1 MS. MATOIAN: Were the detectives that came down
2 to talk to you, did you know them from previously?

3 MR. FORD: I didn't know them, but I knew of them.

4 MS. MATOIAN: You knew of them, okay. But you
5 hadn't had any prior dealings with them?

6 MR. FORD: No.

7 MS. MATOIAN: Okay.

8 MR. FORD: Spillman and Weaver.

9 MS. MATOIAN: Weavil?

10 MR. FORD: Yeah. Those detectives were there,
11 too.

12 MS. MATOIAN: Why did you smile when we said
13 Detective Weavil?

14 MR. FORD: That -- that -- now, see, that's how I
15 know that -- Spillman was known in the community as a dirty
16 cop. That's who probably manipulated, what, the Baldwin
17 girl, Patricia Baldwin and Lewis and whoever was saying that
18 I couldn't be there --

19 MR. ZIEGLER: Okay.

20 MR. FORD: -- I couldn't have seen anything.
21 Spillman probably manipulated them into saying that because
22 he was that type of person. He was that type of police.

1 MR. ZIEGLER: Okay. Barbara Sinclair?

2 MR. FORD: No.

3 MR. ZIEGLER: Did you know someone that was called
4 Big Titty Barb?

5 MR. FORD: Big Titty Barb, I heard that name.

6 MR. ZIEGLER: You heard that name. Do you know
7 her last name?

8 MR. FORD: No.

9 MR. ZIEGLER: Okay.

10 MR. FORD: I really don't.

11 MR. ZIEGLER: Do you know someone named Patricia
12 Williams or Patricia Dunlap?

13 MR. FORD: No.

14 MR. ZIEGLER: Have you heard about other -- other
15 people who say that they saw the crime and they saw Sammy
16 and Darryl do it?

17 MR. FORD: No.

18 MR. ZIEGLER: You've never heard about anybody
19 saying that?

20 MR. FORD: Uh-uh.

21 MR. ZIEGLER: Okay.

22 MR. FORD: You're talking about and testified
23 that?

24 MR. ZIEGLER: Yes, sir.

25 MR. FORD: No, I don't. I didn't know.

1 MR. ZIEGLER: Did --

2 MR. FORD: So it had to be at the time I was there
3 if they saw it.

4 MR. ZIEGLER: Did you see anyone?

5 MR. FORD: No, I didn't see anyone.

6 MR. ZIEGLER: So I'm going to show you -- I'm just
7 going to mark this as 26.

8 (Exhibit Number 26 was introduced.)

9 MR. ZIEGLER: This is a map that's kind of of that
10 area, although this is a map from today.

11 MR. FORD: Uh-huh.

12 MR. ZIEGLER: And are you familiar with that
13 neighborhood today?

14 MR. FORD: It's not like it was back then.

15 MR. ZIEGLER: Right. So I know some -- some road
16 names have changed. Does -- it's -- I know it's real hard
17 to see. This is Claremont Avenue. I'm going to put an X at
18 where Ezelle's drink house was.

19 MR. FORD: Uh-huh.

20 MR. ZIEGLER: Does it sound right that this right
21 here that's called Bethlehem Lane today used to be called
22 19th Street?

23 MR. FORD: Oh, no. That's not 19.

24 MR. ZIEGLER: No.

25 MR. FORD: That there, 19 is still 19th Street

1 right now.

2 MR. ZIEGLER: Right. And New Hope Lane, does that
3 seem like it used to be 18th Street?

4 MR. FORD: Possibly, yeah.

5 MR. ZIEGLER: Okay. So if -- if you can't see it,
6 I understand because it's black ink on a -- this printout.
7 But if this, where I circle, this circle right here, is the
8 intersection of Claremont Avenue and 18th Street --

9 MR. FORD: 18th, right.

10 MR. ZIEGLER: -- can you mark where you went to
11 and where you were coming from?

12 MR. FORD: Okay. 18th Street right there and --

13 MR. ZIEGLER: Right.

14 MR. FORD: -- there was a little pathway coming
15 right here to the next street over. That's where Barnhill
16 live at right there.

17 MR. ZIEGLER: Okay. Do you remember if he was by
18 17th or 16th or what cross-street?

19 MR. FORD: Yeah.

20 MR. ZIEGLER: And if you don't remember, that's
21 fine, just tell me.

22 MR. FORD: 17th and -- 17th and Dun -- Dunleith --
23 Claremont.

24 MR. ZIEGLER: So here -- this is Claremont and it
25 looks like one block over is Locust.

1 MR. FORD: Locust.

2 MR. ZIEGLER: Right.

3 MR. FORD: Right, that's it.

4 MR. ZIEGLER: Then another block over is Dunleith.

5 MR. FORD: And that's Locust. That was Locust.

6 MR. ZIEGLER: And 17th?

7 MR. FORD: 17th and Locust.

8 MR. ZIEGLER: All right. So --

9 MR. FORD: Right here. It's right here.

10 MR. ZIEGLER: -- so I'm going to put a dot there.

11 MR. FORD: Yeah.

12 MR. ZIEGLER: That -- that dot is going to be

13 where Barnhill was.

14 MR. FORD: Yeah. Locust Street.

15 MR. ZIEGLER: And you said you were coming from

16 Melanie Lewis?

17 MR. FORD: Yeah, I believe so, over on 19th Street

18 -- well, 19 further down.

19 MR. ZIEGLER: Well, it's called Bethlehem now, but

20 I think --

21 MR. FORD: Okay.

22 MR. ZIEGLER: -- it used -- I think it used to be

23 19th.

24 MR. FORD: All right. Whatever then.

25 MR. ZIEGLER: Do you remember what cross-street is

1 by Cleveland Avenue or anything --

2 MR. FORD: You go across Cleveland.

3 MR. ZIEGLER: You cross Cleveland.

4 MR. FORD: Go on 19 on up a little --

5 MR. ZIEGLER: Is it just one block over across
6 Cleveland?

7 MR. FORD: Yeah. About a block up.

8 MR. ZIEGLER: Okay. So somewhere in here where
9 I'll put this bigger circle --

10 MR. FORD: Yeah.

11 MR. ZIEGLER: -- does that look correct?

12 MR. FORD: Yeah. It look good now.

13 MR. ZIEGLER: Okay. So between when you first
14 went to Barnhill's house from here, what street did you go
15 down?

16 MR. FORD: You cross Cleveland.

17 MR. ZIEGLER: You cross -- staying on 19th?

18 MR. FORD: On 19th.

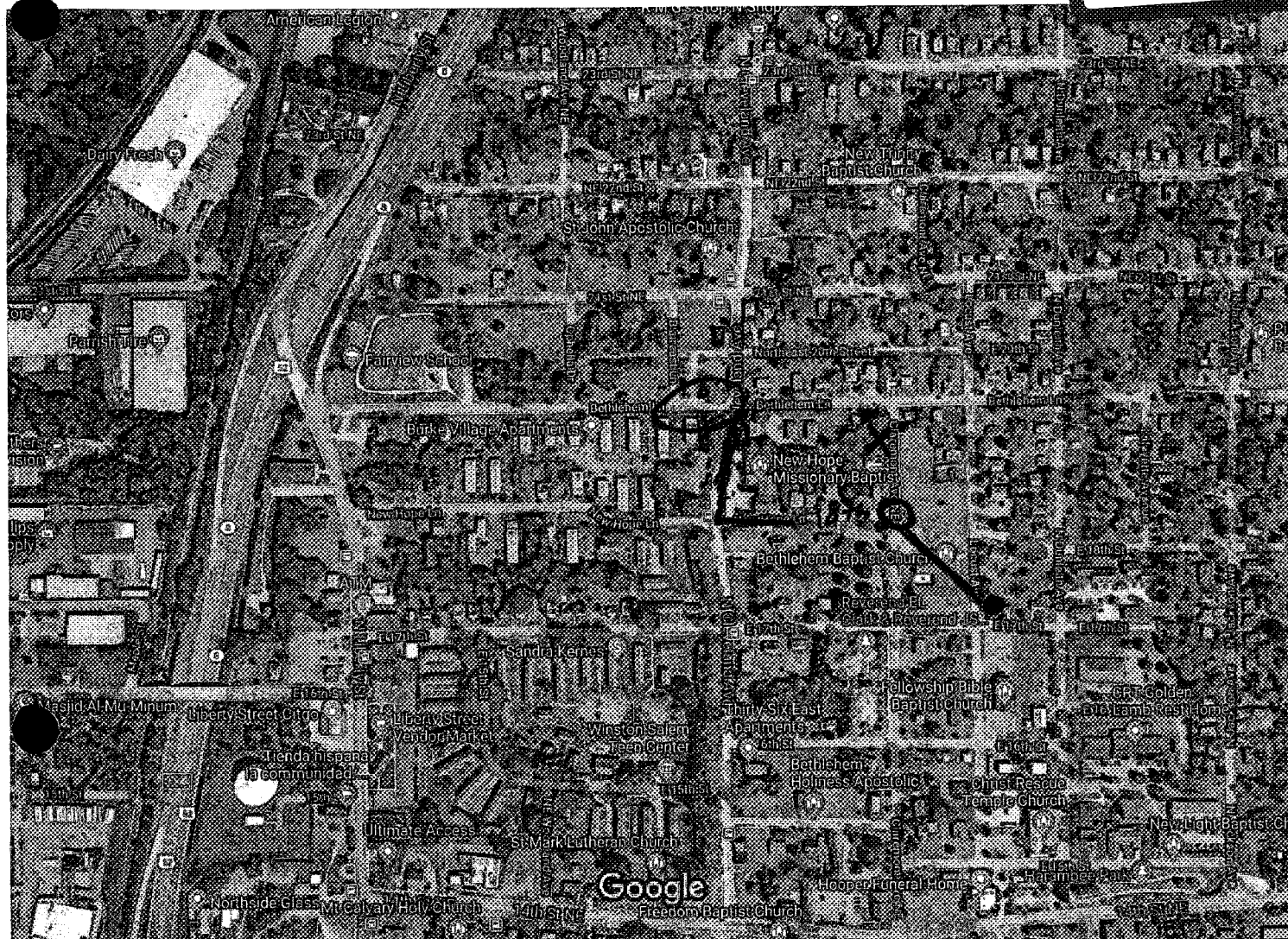
19 MR. ZIEGLER: Okay.

20 MR. FORD: Come down Cleveland to -- to 18th
21 Street.

22 MR. ZIEGLER: Okay.

23 MR. FORD: And you go straight up 18th Street,
24 straight up 18th Street.

25 MR. ZIEGLER: Yeah.



Imagery ©2019 Google, Map data ©2019 Google 200 ft



Set a home address



Set a work address

Updated 1 min ago



Moderate traffic in this area
Typical conditions

Winston-Salem

38°

Handout 61

ALFRED SAMUEL BARNHILL

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
POSSESS LSD (F)	FORSYTH	UNKNOWN	9/27/1978
POSSESS MARIJUANA	FORSYTH	UNKNOWN	11/5/1981
POSSESS COCAINE (F)	FORSYTH	UNKNOWN	11/5/1981
POSSESS FIREARM BY FELON (F)	FORSYTH	9/9/1981	1/18/1982
LARCENY (F)	FORSYTH	UNKNOWN	2/10/1984
MISDEMEANOR PROBATION VIOLATION (M)	FORSYTH	8/19/1983	7/5/1984
PWIMSD COCAINE (F)	FORSYTH	6/4/1987	2/2/1988
POSSESS HEROIN (F)	FORSYTH	6/4/1987	2/2/1988
POSSESS STOLEN GOODS/PROPERTY (M)	FORSYTH	11/10/1987	1/27/1988
MAINTAIN VEH/DWELL/PLACE CONTROLLED SUBSTANCES (F)	FORSYTH	4/15/2004	12/4/2006
TRAFFICKING, OPIUM OR HEROIN BY POSSESSION (F)	FORSYTH	4/15/2004	12/4/2006
POSSESS WITH INTENT TO SELL OR DELIVER HEROIN (F)	FORSYTH	4/15/2004	12/4/2006
POSSESS WITH INTENT TO SELL OR DELIVER HEROIN (F)	FORSYTH	4/15/2004	12/4/2006

Handout 62

MELANIE LYNN LEWIS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
CARRYING CONCEALED WEAPON (M)	FORSYTH	11/18/1983	12/15/1983
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	11/18/1983	1/17/1984
ASSAULT AND BATTERY (M)	FORSYTH	11/26/1983	12/7/1983
POSSESS COCAINE (F)	FORSYTH	5/2/1990	7/24/1990
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	FORSYTH	2/13/1991	6/12/1991
SELL COCAINE (F)	FORSYTH	2/13/1991	6/12/1991
MISDEMEANOR LARCENY (M)	FORSYTH	1/21/1993	3/5/1993
MISDEMEANOR LARCENY (M)	FORSYTH	2/5/1993	3/5/1993
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	6/29/1994	2/21/1995
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	6/27/1995	8/2/1995
CARRYING CONCEALED WEAPON (M)	FORSYTH	7/14/1995	8/25/1995
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	7/14/1995	8/25/1995
ATTEMPT TO POSSESS UNSPECIFIED SUBSTANCE (M)	FORSYTH	7/14/1995	8/25/1995

CARRYING CONCEALED WEAPON (M)	FORSYTH	12/8/1996	10/15/1997
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	12/8/1996	10/15/1997
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	1/11/1997	10/15/1997
POSSESS CONTROLLED SUBSTANCE IN JAIL (F)	FORSYTH	1/16/1997	10/7/1997
POSSESS WITH INTENT TO MANUFACTURE SELL OR DELIVER HEROIN (F)	FORSYTH	10/13/1998	12/15/1999
SELL HEROIN (F)	FORSYTH	10/13/1998	12/15/1999
DELIVER HEROIN (F)	FORSYTH	10/13/1998	12/15/1999
HABITUAL FELON (F)	FORSYTH	10/13/1998	12/15/1999
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	11/11/1998	11/17/1998
POSSESS/CONSUME FORTIFIED WINE/SPIRITUOUS LIQUOR/MIXED BEVERAGES ON PREMISES NOT AUTHORIZED BY LAW (M)	FORSYTH	1/26/1999	2/16/1999
POSESS DRUG PARAPHERNALIA (M)	FORSYTH	4/5/1999	12/15/1999
SECOND DEGREE TRESPASS (M)	FORSYTH	4/5/1999	12/15/1999
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	5/22/2009	7/10/2009

DISORDERLY CONDUCT (M)	FORSYTH	10/3/2014	10/16/2014
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	5/25/2018	6/13/2018

Handout 63

RICHARD DAVID WRIGHT JR.

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DWI (M)	FORSYTH	3/22/1986	4/14/1986
POSSESS WITH INTENT TO SELL OR DELIVER MARIJUANA (F)	FORSYTH	3/28/1989	10/25/1989
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	6/16/1990	6/21/1990
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	4/26/1991	5/28/1991
ASSAULT ON LAW OFFICER (M)	FORSYTH	4/26/1991	5/28/1991
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	2/10/1993	4/19/1993
ATTEMPT TO OBTAIN CONTROLLED SUBSTANCE (M)	FORSYTH	2/24/1994	3/11/1994
POSSESS WITH INTENT TO MANUFACTURE SELL OR DELIVER MARIJUANA (F)	FORSYTH	5/1/1996	12/15/1997
POSSESS STOLEN GOODS/PROPERTY (F)	FORSYTH	5/1/1996	12/15/1997
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	FORSYTH	1/14/1998	3/5/1998
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	FORSYTH	1/14/1998	3/5/1998
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	FORSYTH	2/19/1998	3/5/1998
SECOND DEGREE TRESPASS (M)	FORSYTH	3/26/1998	5/8/1998

ASSAULT ON A FEMALE (M)	FORSYTH	4/18/1998	6/2/1998
SECOND DEGREE TRESPASS (M)	FORSYTH	4/18/1998	6/2/1998
SECOND DEGREE TRESPASS (M)	FORSYTH	8/30/1998	9/14/1998
SECOND DEGREE TRESPASS (M)	FORSYTH	9/8/1998	9/21/1998
POSSESS WITH INTENT TO MANUFACTURE SELL OR DELIVER COCAINE (F)	FORSYTH	10/15/1998	3/4/1999
SELL COCAINE (F)	FORSYTH	10/15/1998	3/4/1999
DELIVER COCAINE (F)	FORSYTH	10/15/1998	3/4/1999
CONSPIRE SELL COCAINE (F)	FORSYTH	10/15/1998	3/4/1999
CONSPIRE DELIVER COCAINE (F)	FORSYTH	10/15/1998	3/4/1999
HABITUAL FELON (F)	FORSYTH	10/15/1998	3/4/1999
DWLR (M)	FORSYTH	4/8/2006	8/11/2006
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	6/18/2007	10/30/2007
DWLR (M)	FORSYTH	3/19/2009	8/11/2009
ASSAULT ON A FEMALE (M)	FORSYTH	10/24/2010	2/17/2011
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	4/5/2011	5/24/2011
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	6/5/2014	6/25/2014
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	1/27/2017	3/3/2017

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CHUCKIE ALEXANDER SIMMONS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DWI (M)	FORSYTH	9/19/1987	10/7/1987
DISORDERLY CONDUCT (M)	FORSYTH	5/4/1990	5/16/1990
DRINKING IN PUBLIC (M)	FORSYTH	9/15/1990	9/26/1990
DWI-LEVEL 2 (M)	FORSYTH	3/26/1994	2/6/1996
DWLR (M)	FORSYTH	3/26/1994	2/6/1996
ASSAULT ON A FEMALE (M)	FORSYTH	7/1/1997	7/15/1997

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DONALD SAMUEL SIMMONS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	4/12/1987	5/4/1987
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	4/12/1987	5/4/1987
DISORDERLY CONDUCT (M)	FORSYTH	10/4/1988	11/3/1988
POSSESS STOLEN GOODS/PROPERTY (M)	FORSYTH	3/18/1989	4/7/1989
DISORDERLY CONDUCT (M)	FORSYTH	6/17/1989	7/28/1989
ASSAULT ON A FEMALE (M)	FORSYTH	12/19/1989	3/2/1990
PUBLIC DISTURBANCE (M)	FORSYTH	12/29/1989	3/26/1990
DISORDERLY CONDUCT (M)	FORSYTH	6/16/1990	6/18/1990
POSSESS/CONSUME BEER/WINE UNAUTHORIZED PREMISES (M)	FORSYTH	8/17/1990	8/20/1990
DRINKING IN PUBLIC (M)	FORSYTH	9/15/1990	9/26/1990
CARRYING CONCEALED WEAPON (M)	FORSYTH	1/25/1992	1/28/1992
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	10/23/1992	11/5/1992
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	2/5/1993	2/8/1993

ASSAULT ON A FEMALE (M)	FORSYTH	8/19/1995	8/31/1995
COMMUNICATING THREATS (M)	FORSYTH	5/30/1997	6/4/1997
RESISTING PUBLIC OFFICER (M)	FORSYTH	5/30/1997	6/4/1997
ASSAULT ON A FEMALE (M)	FORSYTH	4/12/1998	6/12/1998
DV PROTECTIVE ORDER VIOLATION (M)	FORSYTH	10/20/1998	11/20/1998
INJURY TO REAL PROPERTY (M)	FORSYTH	9/29/1999	12/8/1999
MISDEMEANOR LARCENY (M)	FORSYTH	9/29/1999	12/8/1999
COMMUNICATING THREATS (M)	FORSYTH	11/28/1999	1/10/2000
SECOND DEGREE TRESPASS (M)	FORSYTH	11/28/1999	1/11/2000
ASSAULT ON A FEMALE (M)	FORSYTH	12/10/1999	1/10/2000
DV PROTECTIVE ORDER VIOLATION (M)	FORSYTH	12/12/1999	1/10/2000
ASSAULT ON A FEMALE (M)	FORSYTH	2/26/2000	4/4/2000
COMMUNICATING THREATS (M)	FORSYTH	2/26/2000	4/4/2000
INJURY TO PERSONAL PROPERTY (M)	FORSYTH	2/26/2000	4/4/2000
ASSAULT ON A FEMALE (M)	FORSYTH	6/4/2002	7/9/2002
INJURY TO REAL PROPERTY (M)	FORSYTH	6/4/2002	7/9/2002
POSSESS COCAINE (F)	FORSYTH	12/23/2005	2/9/2006
COMMUNICATING THREATS (M)	FORSYTH	6/18/2006	8/1/2006

SECOND DEGREE TRESPASS (M)	FORSYTH	7/26/2008	11/18/2008
COMMUNICATING THREATS (M)	FORSYTH	7/26/2008	11/18/2008
DV PROTECTIVE ORDER VIOLATION (M)	FORSYTH	9/3/2008	10/27/2008
DWI (M)	FORSYTH	6/26/2009	2/4/2010
UNAUTHORIZED USE OF MOTOR VEHICLE (M)	FORSYTH	5/6/2011	7/1/2011
SECOND DEGREE TRESPASS (M)	FORSYTH	12/31/2013	4/1/2014
FIRST DEGREE TRESPASS ENTER/REMAIN (M)	FORSYTH	6/4/2016	8/16/2016

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WADE DESMAS BRADY

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
BREAKING AND ENTERING (F)	FORSYTH	UNKNOWN	8/6/1969
BREAKING AND ENTERING AND LARCENY (F)	FORSYTH	UNKNOWN	8/6/1969
LARCENY (M)	FORSYTH	UNKNOWN	8/14/1969
RESIST ARREST	FORSYTH	UNKNOWN	8/14/1969
AGGRAVATED ASSAULT-POLICE OFFICER	NORTH CAROLINA	UNKNOWN	4/28/1971
BURGLARY-BREAKING AND ENTERING (F)	FORSYTH	UNKNOWN	3/5/1974
FORGERY OF-ENDORSEMENT (F)	FORSYTH	UNKNOWN	2/2/1978
ASSAULT ON OFFICER (M)	FORSYTH	UNKNOWN	9/17/1982
CONCEALING MERCHANDISE-2 ND OFFENSE (M)	FORSYTH	UNKNOWN	2/22/1983
MISDEMEANOR LARCENY (M)	FORSYTH	2/10/1984	3/6/1984
LARCENY (M)	FORSYTH	UNKNOWN	3/19/1985
INJURY TO REAL PROPERTY (M)	FORSYTH	7/5/1984	4/4/1985
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	10/15/1988	1/18/1989
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	10/22/1988	11/23/1988
BANK ROBBERY (F)	FEDERAL	UNKNOWN	1990

POSSESS STOLEN GOODS/PROPERTY (M)	FORSYTH	1/20/1994	2/4/1994
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	1/20/1994	2/4/1994
MISDEMEANOR LARCENY (M)	FORSYTH	1/25/1995	3/7/1995
LOITERING FOR PROSTITUTION (M)	FORSYTH	6/21/1996	9/18/1996
POSSESS WITH INTENT TO MANUFACTURE SELL OR DELIVER COCAINE (F)	FORSYTH	10/12/1996	4/9/1997
CARRYING CONCEALED GUN (M)	FORSYTH	3/28/1997	5/7/1997
POSSESS WITH INTENT TO SELL OR DELIVER COCAINE (F)	FORSYTH	6/26/1997	11/18/1998
MAINTAIN VEHICLE/DWELLING/PLACE CONTROLLED SUSBTANCE (F)	FORSYTH	6/26/1997	11/18/1998
DWI-LEVEL 5 (M)	FORSYTH	10/15/1999	2/15/2000
SECOND DEGREE BURGLARY (F)	FORSYTH	12/29/1999	2/15/2000
FELONY LARCENY (F)	FORSYTH	12/29/1999	2/15/2000
SECOND DEGREE TRESPASS (M)	FORSYTH	3/28/2003	3/28/2003
SECOND DEGREE TRESPASS (M)	FORSYTH	3/18/2005	7/22/2005
DISORDERLY CONDUCT (M)	FORSYTH	10/12/2006	10/19/2006
ASSAULT GOVERNMENT OFFICIAL/EMPLOYEE (M)	FORSYTH	10/12/2006	10/19/2006
RESISTING PUBLIC OFFICER (M)	FORSYTH	10/12/2006	10/19/2006

ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	1/1/2008	7/22/2008
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	6/28/2010	9/13/2010
SECOND DEGREE TRESPASS (M)	FORSYTH	1/11/2014	2/20/2014

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JEFFREY KEITH JOHNSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DWLR (M)	FORSYTH	11/23/1984	12/19/1984
DWI (M)	FORSYTH	11/23/1984	12/19/1984
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	11/23/1984	1/25/1995
WORTHLESS CHECK (M)	FORSYTH	11/24/1984	3/8/1985
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	3/8/1985	5/21/1985
INJURY TO REAL PROPERTY (M)	FORSYTH	3/28/1986	4/18/1986
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	2/6/1987	3/10/1987
DISORDERLY CONDUCT (M)	FORSYTH	11/27/1989	12/6/1989
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	11/23/1994	1/25/1995
ASSAULT ON A FEMALE (M)	FORSYTH	7/1/2000	9/7/2000
DWI-LEVEL 5 (M)	FORSYTH	7/7/2000	10/25/2000
RESISTING PUBLIC OFFICER (M)	FORSYTH	7/7/2000	10/25/2000
SIMPLE ASSAULT (M)	FORSYTH	5/28/2003	6/6/2003
RESISTING PUBLIC OFFICER (M)	FORSYTH	5/28/2003	6/6/2003

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RICHARD ANDREW JOHNSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DWI (M)	FORSYTH	4/12/1989	5/8/1989
CARRYING CONCEALED GUN (M)	FORSYTH	5/7/2010	7/15/2010

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KENNETH PINKNEY

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
BREAKING AND ENTERING (M)	FORSYTH	UNKNOWN	9/29/1978
ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	UNKNOWN	5/26/1983
DWI (M)	FORSYTH	11/3/1984	1/16/1985
DWLR (M)	FORSYTH	11/3/1984	1/16/1985
DWLR (M)	FORSYTH	11/13/1984	1/16/1985
ASSAULT AND BATTERY (M)	FORSYTH	1/23/1991	2/1/1991

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RANDY CARDELL WEAKS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
LARCENY	GUILFORD	UNKNOWN	6/6/1979
COMMON LAW ROBBERY (F)	FORSYTH	UNKNOWN	4/8/1980
ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	UNKNOWN	4/8/1980
POSSESS STOLEN GOODS (M)	FORSYTH	UNKNOWN	11/30/1982
CARRYING CONCEALED WEAPON (M)	FORSYTH	8/19/1981	6/15/1985
ASSAULT AND BATTERY (M)	FORSYTH	3/2/1984	3/16/1984
ASSAULT AND BATTERY (M)	FORSYTH	9/28/1984	10/10/1984
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	1/1/1985	5/7/1985
POSSESS FIREARM BY FELON (F)	FORSYTH	5/26/1990	8/27/1990
CARRYING CONCEALED WEAPON (M)	FORSYTH	5/26/1990	8/27/1990
ASSAULT ON LAW OFFICER (M)	FORSYTH	5/26/1990	8/27/1990
ARMED TO TERROR THE PUBLIC (M)	FORSYTH	5/26/1990	8/27/1990
ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	12/15/1990	1/18/1991
BREAKING OR ENTERING (M)	FORSYTH	10/3/1995	10/10/1995
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	5/21/1996	7/2/1996

POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FORSYTH	9/6/1996	9/9/1996
SECOND DEGREE TRESPASS (M)	FORSYTH	9/6/1996	9/9/1996
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	12/3/1997	1/22/1998
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	8/14/1999	9/3/1999
POSSESS MARIJUANA UP TO ½ OUNCE (M)	FORSYTH	5/11/2000	9/18/2000
POSSESS COCAINE (F)	FORSYTH	8/23/2000	9/21/2000
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	8/23/2000	9/21/2000
ATTEMPT TO POSSESS AUTOMOBILE (F)	FORSYTH	12/8/2000	4/26/2001
POSSESS SCHEDULE II CONTROLLED SUBSTANCE (F)	FORSYTH	2/22/2002	7/3/2002
HABITUAL FELON (F)	FORSYTH	2/22/2002	7/3/2002

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JEFF JUNIOR HOLLOWAY JR.

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
BREAKING OR ENTERING (M)	DAVIDSON	9/28/1985	4/28/1986
BREAKING OR ENTERING (M)	DAVIDSON	9/29/1985	4/28/1986
BREAKING OR ENTERING (M)	DAVIDSON	10/1/1985	4/28/1986
DWLR (M)	DAVIDSON	10/6/1985	10/31/1985
MISDEMEANOR LARCENY (M)	DAVIDSON	10/6/1985	10/31/1985
DISCHARGE WEAPON OCCUPIED PROPERTY (F)	FORSYTH	2/28/1987	4/29/1987
COMMUNICATING THREATS (M)	FORSYTH	2/24/1990	3/6/1990
DWLR (M)	FORSYTH	3/31/1990	5/18/1993
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	5/10/1993	5/18/1993
DWLR (M)	FORSYTH	12/7/1990	5/18/1993
DWLR (M)	FORSYTH	12/10/1993	2/17/1994
DWLR PERMANENT (M)	FORSYTH	4/15/1994	7/11/1994
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FORSYTH	4/15/1994	7/11/1994
DWLR PERMANENT (M)	FORSYTH	6/6/1994	7/15/1994
BREAKING AND/OR ENTERING (F)	FORSYTH	8/18/1994	11/18/1996

LARCENY AFTER BREAKING/ENTERING (F)	FORSYTH	8/18/1994	11/18/1996
SECOND DEGREE KIDNAPPING (F)	FORSYTH	4/26/1995	11/18/1996
POSSESS STOLEN GOODS/PROPERTY (M)	FORSYTH	12/15/1999	6/5/2000
DWLR (M)	FORSYTH	7/20/2000	9/13/2000
ASSAULT ON A FEMALE (M)	FORSYTH	5/28/2000	9/26/2000
RESISTING PUBLIC OFFICER (M)	FORSYTH	7/20/2000	9/13/2000
ASSAULT WITH DEADLY WEAPON (M)	FORSYTH	8/17/2000	9/26/2000
DEFRAUDING INNKEEPER (M)	FORSYTH	9/25/2000	10/24/2000
DOMESTIC CRIMINAL TRESPASS (M)	FORSYTH	4/29/2001	5/31/2001
POSSESS COCAINE (F)	FORSYTH	12/20/2001	3/14/2002
DWLR (M)	FORSYTH	10/2/2003	10/21/2003
ASSAULT ON A FEMALE (M)	FORSYTH	3/12/2007	7/12/2007
DRIVING WHILE LICENSE SUSPENDED/REVOKED (M)	WHEELING, WV	UNKNOWN	8/7/2013
DRIVING WHILE LICENSE SUSPENDED/REVOKED (M)	WHEELING, WV	UNKNOWN	6/25/2014
DRIVING WHILE LICENSE SUSPENDED/REVOKED (M)	WHEELING, WV	UNKNOWN	9/30/2014

DRIVING WHILE LICENSE SUSPENDED/REVOKED (M)	WHEELING, WV	UNKNOWN	8/3/2016
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JEFFREY TURNER

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
ESC LAW FRAUD VIOLATION (M)	FORSYTH	9/10/1984	9/10/1986
ESC LAW FRAUD VIOLATION (M)	FORSYTH	9/10/1984	9/10/1986
ESC LAW FRAUD VIOLATION (M)	FORSYTH	9/26/1984	9/10/1986
ESC LAW FRAUD VIOLATION (M)	FORSYTH	11/6/1984	9/10/1986

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YVETTE JOHNSON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
SECOND DEGREE ARSON (F)	FORSYTH	7/18/1996	10/3/1996
ASSAULT WITH DEADLY WEAPON SERIOUS INJURY (F)	FORSYTH	4/7/2000	7/3/2000
ASSAULT INFLICT SERIOUS INJURY (M)	FORSYTH	8/24/2000	5/10/2001
INJURY TO REAL PROPERTY (M)	FORSYTH	3/11/2003	4/29/2003
ATTEMPT BREAK OR ENTER BUILDING (M)	FORSYTH	3/11/2003	4/29/2003

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KATHY MITCHELL LEBLANCE

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
INTIMIDATION OF A WITNESS (M)	FORSYTH	9/12/1986	11/4/1986
CHILD ABUSE-CHILD UNDER 18	BALTIMORE CITY, MD	UNKNOWN	5/19/1998
THEFT LESS THAN \$100 (M)	ANNAPOLIS, MD	UNKNOWN	6/27/2016

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DENNIS SPEAKS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DELAY PUBLIC OFFICER (M)	FORSYTH	UNKNOWN	11/17/1982
ILLEGITIMATE CHILD/NON-SUPPORT (M)	FORSYTH	8/13/1984	12/3/1984
ASSAULT BY POINTING GUN (M)	FORSYTH	9/8/1984	10/18/1984
ASSAULT AND BATTERY (M)	FORSYTH	9/8/1984	10/18/1984
ASSAULT AND BATTERY (M)	FORSYTH	9/8/1984	10/18/1984
DISCHARGE FIREARM IN CITY LIMITS (M)	FORSYTH	3/24/1986	4/16/1986
ASSAULT AND BATTERY (M)	FORSYTH	3/24/1986	4/16/1986
SECOND DEGREE MURDER (F)	FORSYTH	9/22/1986	4/9/2987
ASSAULT BY POINTING GUN (M)	FORSYTH	1/31/1995	8/1/1995
ASSAULT BY POINTING GUN (M)	FORSYTH	8/5/2001	9/12/2001
MISDEMEANOR LARCENY (M)	FORSYTH	8/10/2003	9/5/2003
SIMPLE ASSAULT (M)	FORSYTH	8/10/2003	9/5/2003

Handout 76

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
86 CRS 018809

STATE OF NORTH CAROLINA,

v.

MERRITT WILLIAMS DRAYTON

AFFIDAVIT OF DENNIS SPEAKS

NOW COMES Dennis Speaks being first been duly sworn, who deposes and says the following:

1. I am over the age of eighteen and of sound mind. I make this affidavit based on my person knowledge.
2. In 1986 I was at a drink house with many drunk people talking about the murder of Deborah Sykes. I do not recall specifically who was there. People were talking about Darryl Hunt and Sammy Mitchell committing that murder. I do not recall anyone talking about the Arthur Wilson case.
3. I have never heard of Arthur Wilson and have no knowledge of his murder. I may have seen him around, but the name is not familiar.
4. Darryl Hunt shot me with a shotgun in 1984 because he found me with his girlfriend. He was arrested but not convicted for this.
5. On September 21, 1986, I was involved in an altercation in which Michael A. Thomas was killed. At some point after I was indicted, I was taken into a room with the District Attorney and an Assistant District Attorney. I believe the assistant's name was Jerry or Jarrod. The Assistant DA told me that I was not guilty of murder, but I would be if I did not provide a written statement that Darryl Hunt confessed to me that he (Hunt) had killed Deborah Sykes.
6. I was not willing to sign such a statement because Darryl Hunt had not made a confession to me.
7. I was convicted for the death of Michael Thomas and went to prison in April of 1987. A few months after I went to prison, two detectives from Winston Salem came to talk to me at Yadkinville Correctional.
8. The detectives told me that I could get released early if I would sign a statement

saying that Darryl Hunt murdered Deborah Sykes. I refused to write anything because I had no knowledge about the murder of Deborah Sykes. The detectives then told me I would do all the time on my sentence.

9. A few months after that, the detectives returned and wanted to talk to me again. I refused to talk to them.

10. I believe Lt. Shore was over my unit at the prison at that time.

11. I have not talked to detectives again since that time and served my complete sentence through December 4, 1992.

12. I have no knowledge about the death of Arthur Wilson and do not recall telling detectives that Henny Pope talked to me about it. I recall Henny Pope and others speaking about the Deborah Sykes case.

13. After I got out of prison, I wanted to tell someone about this situation, but my parents convinced me not to say anything because I was home.

FURTHER THE AFFIANT SAYETH NOT.

This the 4th day of April, 2019.


Dennis Speaks

STATE OF NORTH CAROLINA
COUNTY OF Forsyth

Sworn to and subscribed before me,
this 4th day of April, 2019.



Notary Public



My Commission Expires: 3.12.23

Handout 77

Expert Report – Casson Reynolds

State v. Merritt Williams Drayton – Forsyth County
86 CRS 018809 (Wilson)

May 22, 2019

I. Scope

I reviewed materials related to the Arthur Wilson case as outlined below, I received a series of questions from NCIIC staff that I evaluated based on my experience, training, and the materials provided. I also evaluated the area of the crime scene.

II. Professional Qualifications

Casson Reynolds began his career in law enforcement as a Senior Crime Scene Investigator at the Charlottesville Police Department. He also worked as a Forensic Detective with the Gastonia Police Department. He now serves as a forensics instructor for the North Carolina Justice Academy in Edneyville, NC. Mr. Reynolds CV is attached hereto as Exhibit A.

III. Materials Reviewed

I reviewed the following materials:

- (1) The police report from the first responder to the Wilson scene
- (2) A map and sketch of the crime scene created in 1986, along with the report and aerial photo
- (3) All available photos from the police file in the Wilson case
- (4) Photos by NCIIC.
- (5) Statements and Testimony by Barbara Bason.
- (6) Statements and testimony by Patricia Williams
- (7) Statements and testimony by Mattie Mae Davis.
- (8) Select Court Documents to include: Transcript of 5/5/86 Probable Cause Hearing, a Motion for the Jury to view the Scene of the Crime; Pretrial motions hearing on 8/25/86
- (9) Police reports and statements from James Robert Ford
- (10) Media Articles describing some of the trials against Darryl Hunt in this case
- (11) Commission interview of Mary Howell Coble
- (12) Hunt Trial testimony related to photographs and lighting
- (13) A chart summarizing the witnesses from the drinkhouse as provided in the Commission brief
- (14) Commission Interview of James Robert Ford

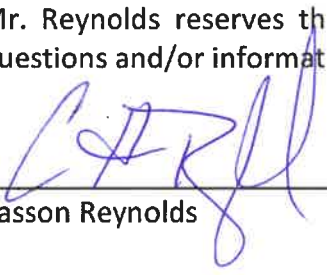
IV. Areas of Expertise

It is anticipated that Mr. Casson will be tendered as an expert in crime scene forensics and reconstruction.

V. Anticipated Opinions

Mr. Reynolds anticipated opinions are related to the reports he has provided and which are attached hereto as Exhibits B and C, respectively. Mr. Reynolds scene visit also included photographs which are included all together as Exhibits D, E, and F.

Mr. Reynolds reserves the right to make further or different opinions based on questions and/or information that may be provided to him.



Casson Reynolds

CassonHR@gmail.com

704-253-9553

Hendersonville, NC 28739

Casson H. Reynolds

<u>Education</u>	Masters of Science in Criminal Justice	January 2007
	Boston University Boston, Massachusetts	
	Bachelors of Science in Criminal Justice	May 2003
	Radford University Radford, Virginia	
<u>Teaching Experience</u>	Instructor / Developer	2017 -
	North Carolina Justice Academy Criminal Justice Course Development and Delivery Investigations and Forensics Courses Instructed Bloodstain Pattern Analysis Shooting Incident Reconstruction Crime Scene Investigations Latent Print Analysis Crime Scene Analysis Advanced Photography Chemical Processing Courtroom Testimony Patrol Level Forensics Photography for Law Enforcement Property and Evidence Room Management Instructor Training NC Justice Academy Journal Content Editor Content Committee – Member E-Learning Subcommittee – Chair Social Media Committee – Member Survey Revision Committee – Member	
	Program Developer and Adjunct Professor	2017-
	University of North Carolina Wilmington Graduate Certificate in Crime Scene Investigations Developed and Instructed Courtroom Testimony and Challenges Crime Scene Photography	
	Forensic Consultant	2017 -
	Laura Pettler and Associates Crime Scene Investigations	

Crime Scene Analysis
Shooting Incident Reconstruction

Presenter: The Good, The Bad, and The Ugly of CSI

NC International Association for Identification Conference 2019

Presenter: Understanding Ethics and Bias

NC Association for Property and Evidence Conference 2019

Presenter: Overseeing a Property and Evidence Room

NC Association of Chiefs of Police Conference 2019

Presenter: Bloodstain Pattern Recognition

NC International Association for Identification Conference 2018

Presenter: Crime Scene Investigations

NC Public Defender and Investigator's Association Conference 2018

Presenter: Records Retention in Regards to Property and Evidence

NC Association for Property and Evidence 2018

Subject Matter Expert / Course Development

American Intercontinental University 2016

Criminal Investigations

Crime Scene Investigations / Forensics

Criminal Justice Adjunct Professor

American Intercontinental University 2015

Ethics in Criminal Justice

Addiction in the Criminal Justice System

Crime Scene Investigations

Criminalistics

Forensics Instructor

American Academy of Applied Forensics 2014-2016

Central Piedmont Community College

Crime Scene Investigations

Fingerprint Analysis and Comparison

Forensic Guest Lecturer

University of North Carolina: Wilmington 2016

Gaston County High Schools 2013-2016

Police Training Officer

Gastonia Police Department 2010-2016

Crime Scene Investigations

Basic Patrol Officer

Gang Investigations

Computer Programs Used

Canvas	Microsoft Office
Blackboard	Module Based
Intellipath	Envisage: Acadis

**Professional
Organization
Membership****Training Committee Co-Chair**

North Carolina International Association for Identification	2018 -
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Consensus Body Voting Member

Bloodstain Pattern Analysis Consensus Body	
American Academy of Forensic Sciences Standards Board	2018 -

Student Advocacy Committee Member

International Association for Identification	2017 -
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Training Committee Member

North Carolina International Association for Identification	2017 - 2018
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Conference Committee Member

North Carolina International Association for Identification	2017 -
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Friction Ridge Consensus Body Member

American Academy of Forensic Science Standards Board	2018 -
--	--------

Association Member

International Association for Identification	2017 -
--	--------

Association Member

North Carolina International Association for Identification	2013 -
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Association Member

North Carolina Gang Investigator's Association	2011 -
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Publications

A Better Understanding of Midrange Photography	2019
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PoliceOne, policeone.com, Online Journal	
--	--

Why crime scene investigators deserve a seat at the table	2018
--	------

PoliceOne, policeone.com, Online Journal	
--	--

Lesson Plan: Forensic Analysis of Bloodstain Patterns	2018
--	------

North Carolina Justice Academy, Salemburg, NC	
---	--

Lesson Plan: Forensic Analysis of Shooting Incidents	2018
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North Carolina Justice Academy, Salemburg, NC	
---	--

Lesson Plan: Forensic Analysis for Patrol Officers	2018
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North Carolina Justice Academy, Salemburg, NC	
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	Lesson Plan: In-Service on Response to Community Dissent North Carolina Justice Academy, Salemburg, NC	2018
	Lesson Plan: Property and Evidence Room Management North Carolina Justice Academy, Salemburg, NC	2017
	Lesson Plan: Instructor Training: Classroom Management North Carolina Justice Academy, Salemburg, NC	2017
	Lesson Plan: Basic Law Enforcement Training Criminal Investigations North Carolina Justice Academy, Salemburg, NC	2017
	Lesson Plan: Basic Law Enforcement Training Responding to Victims and the Public North Carolina Justice Academy, Salemburg, NC	2017
	We have to be the Thin Blue Line Law Enforcement Today, Online Journal	2015
	Police Officer Pittsburgh Bureau of Police	2016-2017
	Forensic Detective Gastonia Police Department	2013-2016
	Police Officer / Gang Investigator Gastonia Police Department	2008-2013
	Crime Scene Investigator Charlottesville Police Department	2006-2008
<u>Law Enforcement Experience</u>	Police Officer Charlottesville Police Department	2003-2006
	Pennsylvania Police Officer Certification	2016-2017
	North Carolina Police Officer Certification	2008-2016
	Virginia Police Officer Certification	2003-2008
	North Carolina General Criminal Justice Instructor	2017 -
	Certified Crime Scene Analyst International Association of Identification	2014-2019
	Advanced Gang Specialist	2015

North Carolina Gang Investigators Association

North Carolina Death Investigators Certifications 2011
NC Blue Ridge Community College

Federal Task Force Officer
Federal Bureau of Investigations 2011-2013
Gang Investigations

Recognized as an Expert in State Court
Crime Scene Investigations 2006, 2009, 2017
Shooting Reconstruction 2008, 2017
Bloodstain Pattern Analysis 2009
Latent Print Identification 2017

Life Saving Award
Gastonia Police Department 2009

Commendation Award
Pittsburgh Bureau of Police 2016
Gastonia Police Department 2009, 2014, 2015
Charlottesville Police Department 2005, 2007

Mothers Against Drunk Driver's Recognition
Charlottesville Police Department 2005

Additional
Police /
Forensic
Investigations
Training

Police Training
Pennsylvania Municipal Police Officer Training
North Carolina Advanced Law Enforcement Certificate
Virginia Basic Law Enforcement Training
North Carolina General Instructor Training
North Carolina Instructor Training Orientation
Constitutional and Federal Laws
Search and Seizure
Interview and Interrogations
Community Policing
North Carolina Police Law Institute
2012 Gangs Across the Carolinas Conference
2013 Gangs Across the Carolinas Conference
Basic Gang Investigator's Class
Advanced Gang Investigator's Class
Introduction to Patrol Drug Investigations
United Blood Nation Update
Street Gang Intelligence
Crisis Intervention Training
CPR and First Aid

Forensic Training Courses

2019 (Spring) Children's Advocacy Centers of NC Training Seminar
2019 (Spring) NC Association of Property and Evidence Conference
2018 NC International Association for Identification CSI Training Seminar
2018 (Fall) Children's Advocacy Centers of NC Training Seminar
2018 (Fall) NC Association of Property and Evidence Conference
2018 NC International Association for Identification Conference
2018 (Spring) Children's Advocacy Centers of NC Training Seminar
2018 (Spring) NC Association of Property and Evidence Conference
Advanced Bloodstain Pattern Analysis
2017 (Fall) NC Association of Property and Evidence Conference
2017 (Fall) Children's Advocacy Centers of NC Training Seminar
Full Spectrum Photography Workshop by FujiFilm
Shooting Reconstruction: 4 Elements of Trajectory
Discovering and Documenting Clandestine Graves
2017 NC International Association for Identification CSI Training Seminar
2017 NC International Association for Identification Conference
Shooting Incident Reconstruction Seminar
Serial Number Restoration Seminar
Investigating Stalking
Investigating Sexual Assaults
Crime Scene Staging: Dynamics in Homicide Cases
NC Latent Print Examiner's Conference
2015 NC International Association for Identification Conference
Foundations of Fingerprint Comparison
Cold Case Homicide Investigations
Photoshop for CSI
Crime Scene Investigator Test Prep
Introduction to Fire Investigations
Wound Injury Patterns and Analysis
Gunshot Wounds and Forensic Evidence
Crime Scene Investigator Preparation Course
Advanced Crime Scene Photography Techniques
Latent Print Development
Submission Guidelines at the NC State Crime Lab
Nikon Total Station Operation
ARAS 360 HD CSI Computer Diagramming & Animation
Introduction to Computer Forensics
Introduction to Cybercrimes
Bloodstain Pattern Analysis
Forensic Fingerprint Analysis Basics
Automated Fingerprint Identification System
Introduction to the Science of Friction Ridge Examination
Complex Latent Print Examination
Bomb-Making Materials Awareness Program Implementation
Cell Phone Investigations & Electronic Evidence
Criminal Profiling for the Violent Crime Scene
Fundamentals of Fingerprint Evidence
Advanced Crime Scene Photography

Flies, Foliage, and Features
Basic Death Investigation Program
Child Death Investigations
Introduction to IED's & Forensic Evidence
Firearms Injury & Distance Determination
Basic Crime Scene Academy
Advanced Shooting Reconstruction
Bloodstain Pattern Analysis
Covert Online Investigations: Child Sexual Predators
Cyber-Investigations 101 (STOP)
Cybercop 202 (Ilook)
Forensic Science and Medicine Seminar
Shooting Incident Reconstruction
Basic Crime Scene Investigations

April 16, 2019

Report by Casson Reynolds at the request of the North Carolina Innocence Inquiry Commission based on the information provided in regards to the homicide of Arthur Wilson in 1983 in Winston-Salem, NC.

1. At the time of the crime, two eyewitnesses were identified: McGee and Walser. Based on the information provided about McGee and Walser, what was their ability to view and/or not view the suspects they saw?

McGee was driving his vehicle southbound on North Claremont Avenue and observed three unknown black males going through the pockets of the decedent (Arthur Wilson). The three then fled on foot south on North Claremont Avenue and then west on 17th Street where he lost sight of them.

Walser was riding in McGee's vehicle southbound on North Claremont Avenue and observed three unknown black males going through the pockets of the decedent (Arthur Wilson) and one of the three hit the decedent with an unknown object.

The driver and passenger of a vehicle driving in the street would be able to view an assault/robbery taking place in the middle of the street upon which they were driving.

The decedent was located in the street in front of 1718 North Claremont Avenue.

This was reported at the time of the incident.

2. In reviewing the crime scene as it relates to the drink house, could the events be seen from the drink house porch? From the street in front of the drink house? Why or why not? Complications to scene.

The drink house was reportedly located at 1816 North Claremont Avenue. This residence no longer exists; therefore, a complete analysis of the view from the residence and porch is limited.

The residence of 1808/1810 (duplex) is the northern most residence currently in the 1800 block of North Claremont Avenue.

*The 1700 block of North Claremont Avenue rises as it travels north towards 18th St. The 1800 block of North Claremont Avenue rises as it travels south towards 18th St. The crest of North Claremont Avenue is at 18th St. *18th St. has been renamed to New Hope Ln.*

The decedent was located 90 feet south of 18th St. on N. Claremont Ave. The 1816 N. Claremont Ave. was located approximately 200 feet north of 18th St. on N. Claremont Ave. The width of 18th St. is 26 feet. Therefore, the drink house was located over 300 feet away from the final location of the victim.

There is no available photograph or description of the drink house; therefore, I am unable to analyze the sight path based on height or how far back off the road it was set compared to the other houses.

The sight lines from the street in front of the drink house to the 1700 block of N. Claremont Ave. is limited because of the crest of the hill. The sight lines from the street in front of the drink house to the intersection of 18th St. and N. Claremont Ave. is clear; however, it is a distance of approximately 200 feet.

3. Two other witnesses, Bason and Williams, came forward in 1986. There is a crime scene drawing from 1986. Based on the drawing and information provided what are their advantage points and what areas could they view?

Bason states that she was in front of the store on 18th street at Claremont Ave. (also referred to as Ezelle Clower's drink house) and walking towards her residence at 1228 E. 18th St. Apt. 7. Her residence is west of N. Claremont St. on 18th St.

On 04/29/86 at 2350, Bason reported seeing Darryl Hunt and Sammy Mitchell assault and rob the victim. Mitchell assaulted the victim using a brick.

On 04/30/86 at 1007, Bason reported seeing Darryl Hunt, Sammy Mitchell, and Junior assault and rob the victim. Mitchell assaulted the victim using a stick.

On 09/18/86, Bason reported that she was in the street in the 1800 block of N. Claremont Ave. and observed the assault started in the 1700 block of N. Claremont Ave. and continued north on Claremont Ave.

Based on the sketch (000114 NCIIC-WSPD), Bason was 228 feet away from the final location of the decedent.

A photograph marked 002552 NCIIC-WSPD is an approximate view from where Bason reported she was standing. Assuming that this photograph was taken from Bason's eye level, it shows the location of the assault (where a woman in white clothing is standing) is in view from approximately 6 inches above the ground and above. The bottom approximate 6 inches is not in view due to the crest of N. Claremont Ave. at 18th St. The photograph also shows a male in a jacket standing near the intersection of N. Claremont Ave and 18th St. where Bason stated the assault began. The male is completely or near completely visible from this location.

Bason would have been able to see the assault; however, she is 228 feet away. This may limit her ability to identify an unknown person and her ability to see specific actions. However, this is highly dependent on her eye sight and her familiarity with the individuals as well as how bright the street lights were and if any vehicle's headlight were shining on the scene.

Additionally, from Bason's report, the incident began south of the decedent's final location; however, based on the photograph, the incident began north of the decedent's final resting place. It is unclear on why there is a discrepancy.

Williams states that she was at the drink house located at 1816 N. Claremont Ave and left with Michael Eaton and Jerry Roan walking south towards 18th St. In the report, Williams states she is near the intersection when she sees the assault; however, according to an on scene report and sketch, Williams is near the drink house.

Based on the sketch (000114 NCIIC-WSPD), Williams was 315 feet away from the assault.

A photograph marked 002551 NCIIC-WSPD is an approximate view from where Williams reported she was standing. Assuming that this photograph was taken from Williams's eye level, it shows the location where the decedent died (where a woman in white clothing is standing) is in view from approximately 3 feet above the ground and above. The bottom approximate 3 feet is not in view due to the crest of N. Claremont Ave. at 18th St. The photograph also shows a male in a jacket standing near the intersection of N. Claremont Ave and 18th St. where Williams stated the assault began. The male is completely or near completely visible from this location.

If Williams was near the drink house when the assault occurred, she would not have been able to see any actions that occurred more than 100 feet south of the intersection of 18th St. and N. Claremont Ave. due to the crest of the hill.

4. Were Bason and Williams able see the events unfold as well as McGee and Walser? How were their vantage points different? How do the witnesses not reporting each other effect their statements?

Bason and Williams state that they were both in the 1800 block of N. Claremont Ave. at the time of the incident. They both state that they saw the same individuals commit the assault. They both state that they were walking from one location to another at the time of the incident and admit to other people being in the area.

Bason and Williams do not state that they see McGee and Walser's vehicle.

The vantage point for all parties involved would be similar and would be fluid as they were all in motion.

Based on McGee and Walser's statements, they came across the incident as the suspects were going through the pockets of the victim. This may have been after Bason and Williams ran from the scene; however, there is no evidence or statements to support this.

5. Mr. Ford's sight lines and information?

Ford did not provide a specific location or consistent information for analysis.

6. Time of day and various vantage points?

The time of day and lack of moon is certainly a factor in someone's ability to see clearly; however, this is dependent on the individual's eye sight, vantage point, and familiarity with the individuals involved.

McGee, Walser, Bason, and Williams all stated that they were moving at the time of the incident and their vantage points and ability to see various details of the scene would continually change based on these factors.

Bason and Williams were both familiar with all parties involved.

7. Photographic evidence and sight lines?

Taking a photograph for sight lines is very advantageous. The photograph should be taken from the same height as the witness's eye height (approximately).

Since everyone sees light differently, the photographs at night from 1983 are difficult to judge. They show that there was light on the scene and that the scene had foliage cover, darker areas, and the general elevation difference.

The photos from 1986 are fair. It shows the sight lines of individuals and how much is cut off or obscured; however, the height/size (in the photo) of the individual cannot be taken into consideration because we are not aware of how zoomed in or out the photo is.

The photographs taken recently are accurate given that the elevation has not changed. However, it is also important to show where the photographer was standing when taking the photograph. The photographs taken from the porch are at 1808/1810 N. Claremont Ave (1816 N. Claremont no longer exists).

The assault would have been difficult to see from the 1800 block of N. Claremont Ave if it occurred on the other side of the crest of the hill; however, the information from the reports is that the assault began in the intersection and ended on the other side of the crest. As the witnesses approached the crest, they would have been able to see more of the 1700 block of N. Claremont Ave.

May 16, 2019

Report by Casson Reynolds at the request of the North Carolina Innocence Inquiry Commission based on the information provided in regard to the homicide of Arthur Wilson in 1983 in Winston-Salem, NC.

The NCIIC requested that I document the sight lines of the crime scene from various locations on N. Claremont Ave. The question posed was whether an individual would be able to see the entire crime scene due to the slope and crest of the street. From New Hope Ln, N. Claremont Ave. slopes 2.4 degrees down south of the intersection and 1.4 degrees down north of the intersection. The intersection of New Hope Ln and N. Claremont Ave. is the crest of the hill.

On May 16th, 2019, I took 3 photographs of Beth Tanner (white female) holding an 8-foot pole marked every foot. She held the pole vertically with the bottom of the pole resting in the street. She was standing in the street 90 feet south of the southern boundary of the intersection of New Hope Ln (Previously 18th st) in the location where Arthur Wilson was found deceased and documented by police in 1983.

I took photograph 1, Exhibit D from the center of the intersection of New Hope Ln and N. Claremont Ave. This location is 100 feet North of the location where Arthur Wilson was found, and Beth Tanner stood with the 8-foot pole. The camera was 5'6" inches above the ground. Nothing obstructs the view for someone standing at this location.

I took photograph 2, Exhibit E from 100 feet North of the intersection of New Hope Ln and N. Claremont Ave. This location is 200 feet North of the location where Arthur Wilson was found, and Beth Tanner stood with the 8-foot pole. The camera was 5'6" inches above the ground. The crest of the hill obstructs the view below 6 inches for someone standing at this location.

I took photograph 3, Exhibit F from 220 feet North of the intersection of New Hope Ln and N. Claremont Ave. This location is 320 feet North of the location where Arthur Wilson was found, and Beth Tanner stood with the 8-foot pole. This location is in front of the vacant lot of 1816 N. Claremont Ave. The camera was 5'6" inches above the ground. The crest of the hill obstructs the view below approximately 3'4" for someone standing at this location.

Based on the above documentation and analysis, someone standing in the street in front of the drink house (1816 N. Claremont Ave.) that was approximately 5'6" tall would not be able to see someone lying on the ground or on their hands and knees. Someone standing in front of the drink house would not be able to see an event below approximately 3'4".

The NCIIC also requested that I determine if someone would have been able to see the crime occur from these locations due to the incident occurring at night. There are several factors that complicate this issue. Firstly, the lighting and foliage has changed since 1983 and the photographs taken can show a brighter image or darker image depending on the camera settings. Secondly, each individual is able to see different levels of clarity based on their own eye sight, how long they have been in a dark or bright area, and their familiarity with the subjects involved.

The opinions expressed in this report are based on the information provided. I reserve the right to change an opinion if new information is presented.



EXHIBIT
D



EXHIBIT
E



EXHIBIT
F

Handout 78

Expert Report – Dr. Jerri L. McLemore, Forensic Pathologist

State v. Merritt Williams Drayton – Forsyth County
86 CRS 018809 (Wilson); 86 CRS 031738 (Bryson)

May 14, 2019

I. Scope

I reviewed materials related to both the death of Arthur Wilson and the death of Blanche Bryson. I was asked to review the autopsy reports and provide opinions related to the following general topics:

- a. Arthur Wilson's cause of death
- b. Evaluation of autopsy findings in Arthur Wilson
- c. Evaluation of testimony by the medical examiner in Arthur Wilson
- d. Blanche Bryson's cause of death

I have provided my opinions in full below and reserve the right to add additional opinions and/or information as may be necessary to answer any questions during my testimony at the Commission Hearing in this matter.

II. Professional Qualifications

My Curriculum Vitae has been provided in full as Exhibit A to my report. I received my Bachelor of Arts from the University of Kansas in 1987 and I received my medical degree from the University of Kansas Medical Center in 1992. I completed my residency in Anatomic Pathology and Clinical Pathology at the University of New Mexico Affiliated Hospitals in 1997. I am Board Certified by the American Board of Pathology in Anatomic and Clinical Pathology as well as in Forensic Pathology.

III. Materials Reviewed

I reviewed the following materials:

- a. Autopsy Report Arthur Wilson
- b. Autopsy Report Blanche Bryson
- c. Select Photos of Arthur Wilson at crime scene and Autopsy

- d. Select statements and documents from WSPD's file related to the details reported regarding Wilson's death
- e. Photos of Blanche Bryson at crime scene
- f. Full OCME file
- g. Trial testimony of Dr. McCool from Hunt and Mitchell trials

IV. Areas of Expertise

I anticipate being presented and qualified as an expert in forensic, anatomic, and clinical pathology. I have reviewed the records enumerated above, which comport with the types of records I would typically review in a criminal case. I have applied my training and expertise in analyzing these records and in forming my opinions.

V. Anticipated Opinions

I anticipate providing opinions based on my education, training, experience, and review of the above materials regarding the following:

A. Arthur Wilson

1. Arthur Wilson Cause of Death

Arthur Wilson was found face up on Claremont Avenue in the early morning hours of September 17, 1983. This was reported by two individuals who said they saw three people around Mr. Wilson in the street.

The autopsy described that Mr. Wilson had one injury toward the back of his head. Mr. Wilson's injury consisted of an apparent laceration with marginal abrasion that had an irregularly round shape. Due to the curved contour of the head in the area of the injury, the appearance of the injury may have resulted from an impact from a variety of objects, not just an object with a round shape. The injury could have been caused by a brick, an ax handle, or even by Mr. Wilson impacting the sidewalk from falling back onto his head.

The autopsy report's description of the subdural hemorrhage within the skull gives the impression that the hemorrhage was a thin layer of blood that

would not be expected to press against the brain. The thin accumulation of blood coupled with some of the accounts of lack of movement after the injury was sustained highly suggests that loss of consciousness and death happened quickly. Scholarly papers in the medical literature discuss deaths due to head injury, even apparent minor injury that would not normally have resulted in death, exacerbated by acute alcohol intoxication. In these situations, unconsciousness and death happen very quickly. In my career, I have personally encountered these types of deaths.

In addition, the autopsy report describes subarachnoid bleeding, which is bleeding into the thin coverings of the brain. Per the description in the autopsy report, the location of the thicker layer of blood along the base of the brain seems unusual in a scenario of a blow to the back and near the top of the head. A thick accumulation of basilar subarachnoid may also be caused by a ruptured aneurysm (outpouching) of a major vessel at the base of the brain or by dissection of a vertebral artery. The autopsy report has no mention of an aneurysm or a dissection of an artery to explain the bleeding; however, unless the pathologist suspected these other possibilities and carefully removed the blood from around the vasculature to evaluate the vessels, and aneurysm or dissection could easily be missed. Of note, one statement from the police file suggests that Mr. Wilson was “clotheslined,” meaning someone’s arm came across his upper chest and/or neck causing him to be pushed or fall backward. This action can cause the head to “snap” upward and backward or twist left to right, which increases the risk of a vertebral artery dissection.

The autopsy report described no other bruises or injuries on Mr. Wilson’s body that seemed associated with his recent alleged assault although there were some “dated” injuries. Review of available photographs from the autopsy show no overt recent injuries on any body part seen in the photographs. I reviewed the statements in the file that indicated Mr. Wilson was beaten and kicked around his face and body. Clothing can pad the body and sometimes prevent bruising. Bruising may also be less apparent in darker skin toned individuals. Nonetheless, nothing in the photos or the autopsy report suggests a severe beating as is described in some of the statements in the police file. It is my opinion that I would have anticipated seeing at least some evidence to suggest a beating occurred as described.

2. Evaluation of Autopsy Findings

Dr. McCool was a general pathologist, but he was not a forensic pathologist. While a forensic pathologist has the basic foundation and skill set of a general pathologist, a general pathologist does not have the specialized training of a forensic pathologist. Forensic pathology, at minimum, requires an additional year of specialized training, and, preferably, successful passage of a national standardized exam focusing on forensic pathology. This specialized training includes but is not limited to establishing a cause of death, identification and evaluation of various types of trauma during an autopsy, understanding mechanisms of death from various types of trauma, and reporting autopsy findings in a medicolegal context. Dr. McCool's autopsy report does not contain the level of detail or documentation, including photographic documentation, which a forensic pathologist would include today. Though it was the practice at the time, he relied on the police to take autopsy photos. The police photographs in this case are of suboptimal resolution, do not include a scale under the head injury, and do not provide adequate close up views of the head injury.

In addition, Dr. McCool noted no other injuries aside from the head injury involving Mr. Wilson's body; however, it is not clear whether his training and experience would have been sufficient for him to note more subtle findings at autopsy that might not have been readily apparent, including bruising in a darker skin toned person

3. Evaluation of Testimony Dr. McCool at Trial

By today's standards, Dr. McCool's lack of forensic pathology training would be scrutinized at trial and would raise arguments that he would not be qualified to opine as the mechanism and cause of death in this case. Additionally, Dr. McCool's testimony that the head injury had to be caused by a weapon that had a rounded contour is simply not accurate.

B. Blanche Bryson

My review in Blanche Bryson was limited to reviewing the autopsy and the crime scene photos to see if I could provide any opinions about whether Ms. Bryson's injuries were consistent with a ligature strangulation or a "chokehold." Based on the information available to me including the illustrations on the diagrams, presumably made at autopsy by the pathologist, and the description of the neck injuries, the injuries are more consistent with a ligature strangulation, but the findings cannot rule out if a chokehold was also used in her murder.

I reserve the right to make additional opinions as requested by Commission staff and/or during the Commission hearing based on what I have reviewed and my education, training, and experience.



Dr. Jerri McLemore

WAKE FOREST UNIVERSITY
SCHOOL OF MEDICINE
CURRICULUM VITAE

NAME: Jerri L. McLemore, M.D.

CURRENT ACADEMIC TITLE: Associate Professor of Pathology
Medical Director, Autopsy Service

ADDRESS: Business: Department of Pathology
Wake Forest University School of Medicine
Medical Center Boulevard
Winston-Salem, North Carolina 27157-1072
Telephone: 336-716-2634

EDUCATION:

1987-1992	Kansas University School of Medicine Kansas City, Kansas Doctor of Medicine
1989-1990	Post-sophomore fellowship, Pathology Kansas University School of Medicine, Kansas City, Kansas
1988	Fellowship, Department of Philosophy and History of Medicine, Kansas University School of Medicine, Kansas City, Kansas
1982-1987	University of Kansas, Lawrence, Kansas B.A. Human Biology

POSTDOCTORAL TRAINING:

1996-1997	Chief resident in pathology, University of New Mexico Health Sciences Center
1998-1999	Fellow in Forensic Pathology, Office of the Medical Investigator, Albuquerque, New Mexico
1992-1997	Resident in Anatomic/Clinical Pathology, University of New Mexico Health Sciences Center, Albuquerque, New Mexico

PROFESSIONAL LICENSURE:

Revised: 08/2014

Exhibit A

2010 - present	North Carolina
2003 - 2012	Iowa
1996 - 2009	New Mexico

SPECIALTY CERTIFICATION:

Sept. 1999	Diplomat of American Board of Pathology in Forensic Pathology
Nov. 1997	Diplomat of the American Board of Pathology in Anatomic and Clinical Pathology

EMPLOYMENT:

Academic Experience:

Dec. 1, 2012- present	Associate Professor Department of Pathology Wake Forest University School of Medicine Medical Center Boulevard Winston-Salem, North Carolina
July 1, 2010-2012	Assistant Professor Department of Pathology Wake Forest University School of Medicine Medical Center Boulevard Winston-Salem, North Carolina
July 2009-June 2010	Professor in Forensic Pathology Clinical Adjunct Faculty Des Moines, University College of Osteopathic Medicine Des Moines, Iowa
2006-2009	Associate Professor in Forensic Pathology Clinical Adjunct Faculty Des Moines, University College of Osteopathic Medicine Des Moines, Iowa

2005-2006	Assistant Professor in Forensic Pathology Clinical Adjunct Faculty Des Moines, University College of Osteopathic Medicine Des Moines, Iowa
2004-2010	Assistant Professor, Adjunct Faculty Position Department of Pathology University of Iowa Iowa City, Iowa
1999-2003	Assistant Professor Department of Pathology University of New Mexico Health Sciences Center Albuquerque, New Mexico
2017-present	Medical Director, Autopsy Service, Department of Pathology, Wake Forest School of Medicine, Winston Salem, North Carolina
2016-2018	Interim Forensic Pathology Program Director Department of Pathology, Wake Forest School of Medicine, Winston Salem, North Carolina
2016- present	Abstracts reviewer, United States and Canadian Academy of Pathology (USCAP), annual meeting
2012- present	Lecturer, medical student pulmonary block, non- neoplastic pulmonary disease, 2012, 2013, 2014, 2015, 2016, 2017, Wake Forest School of Medicine Winston-Salem, North Carolina
2011-present	Activity Director, Annual Western North Carolina Death Investigation Conference Department of Pathology- Autopsy Service Wake Forest School of Medicine Winston-Salem, North Carolina
2011-2015	Pathology Interest Club, mentor Medical school students, Wake Forest School of Medicine Winston-Salem, North Carolina
2010	High School Graduation Project Program, mentor Caldwell High School student oversight November 12, 13, and 16, 2010

2011	Medical Student Research Program, mentor, Wake Forest School of Medicine Winston-Salem, North Carolina, summer of 2011
2006-2010	Coordinator of the University of Iowa medical students' Community-Based Primary Care Clerkship Iowa Office of the State Medical Examiner Ankeny, Iowa
2006 –2010	Director of the Physicians' Assistant Program elective rotation, Des Moines University College of Osteopathic Medicine, Iowa Office of the State Medical Examiner Ankeny, Iowa
2005-2010	Director of Medical Student's Education State Medical Examiner's Office Des Moines, University College of Osteopathic Medicine Des Moines, Iowa
2000-2001	Mentor for medical students, continuity care clinic University of New Mexico School of Medicine Albuquerque, New Mexico
2001-2003	Director of the University of New Mexico Hospital and Veterans Administration Hospital Autopsy service, University of New Mexico Health Sciences Center Albuquerque, New Mexico
2001- 2003	Faculty Advisor/Career Counselor University of New Mexico School of Medicine Albuquerque, New Mexico
1999-2003	Director of Residents' Education Office of the Medical Investigator Department of Pathology University of New Mexico Health Sciences Center Albuquerque, New Mexico

OTHER PROFESSIONAL APPOINTMENTS AND ACTIVITIES:

Employment and practical experience:

Sept 2003-May 2010	Associate State Medical Examiner Iowa Office of the State Medical Examiner Ankeny, Iowa
July 1999-Aug 2003	Medical Investigator Office of the Medical Investigator Albuquerque, New Mexico
2014	Inspector, National Association of Medical Examiners accreditation inspection Cook County Medical Examiner Office Chicago, Illinois
2012	Participation in the National Association of Medical Examiners accreditation inspection Office of the Chief Medical Examiner of the Commonwealth of Massachusetts Boston, Massachusetts
1997-1998	Instructor /Surgical & Cytopathology University of New Mexico Health Sciences Center Albuquerque, New Mexico
Oct 1997 and Feb 1998	Staff Pathologist, locum tenens Gila Regional Medical Center Silver City, New Mexico
Feb 1996 and Mar 1997	Staff Pathologist, locum tenens Rehoboth-McKinley Christian Memorial Hospital Gallup, New Mexico

OTHER PROFESSIONAL APPOINTMENTS AND ACTIVITIES

1997-1998	Pathologist, locum tenens Autopsy Service Office of the Medical Investigator Albuquerque, New Mexico
1995	Participation in College of American Pathologists (CAP) inspection Rehoboth-McKinley Christian Memorial Hospital Gallup, New Mexico
1994	Participation in CAP inspection Presbyterian Hospital Gallup, New Mexico

Committee appointments:

2018-present	National Association of Medical Examiners (NAME) Standards Committee, member
2013-2017	National Association of Medical Examiners (NAME) Ad hoc committee-Research, member
2012-2015	Faculty Development Advisory Committee Wake Forest Baptist Health Winston-Salem, North Carolina
2011-present	National Association of Medical Examiners (NAME) Education, Program and Publications Committee Forensic Fellow In-Service Exam Subcommittee, member
2011-2014	Forsyth County Child Fatality Prevention Team Forsyth County Public Health Department Winston-Salem, North Carolina
2010-2016	Residency Committee Department of Pathology Wake Forest School of Medicine Winston-Salem, North Carolina
2009- 2010	National Association of Medical Examiners (NAME) Education, Program and Publications Committee Education/Program Subcommittee Member

Committee appointments (continued):

2003-2006	Iowa Child Death Review Team, Committee Member Iowa Department of Public Health Des Moines, Iowa
2003-2004	Bio-emergency Response Committee Iowa Department of Public Health Des Moines, Iowa
2003	Metabolic Screening Subcommittee Iowa Department of Public Health Des Moines, Iowa
July 2000- 2003	Post-sophomore Fellowship in Pathology Selection Committee Department of Pathology University of New Mexico Health Sciences Center Albuquerque, New Mexico
2000-2003	New Mexico Intimate Partner Violent Death Review Team, Committee Member University of New Mexico Health Sciences Center New Mexico Crime Victims Reparation Commission Albuquerque, New Mexico
July 2001-2003	Tissue, Transfusion, and Autopsy Committee, University of New Mexico Health Sciences Center Albuquerque, New Mexico
July 1999- 2003	Residency Selection Committee Department of Pathology University of New Mexico Health Sciences Center Albuquerque, New Mexico
July 1999- 2003	Residency Training Committee Department of Pathology University of New Mexico Health Sciences Center Albuquerque, New Mexico

PROFESSIONAL MEMBERSHIPS:

American Academy of Forensic Sciences
National Association of Medical Examiners

HONORS AND AWARDS:

2013	Appalachia & Native Health Service Award Western Carolina University College of Health & Human Services, Cherokee Studies, and The Center for Native Health Cullowhee, North Carolina
2010	Director's Medallion Award Iowa Division of Criminal Investigation Iowa Department of Public Safety Ankeny, Iowa
1997	Young Investigators Award, Academy of Clinical Laboratory Physicians and Scientists (ACLPS) Meeting Minneapolis, Minnesota
1996	Young Investigators Award, Academy of Clinical Laboratory Physicians and Scientists (ACLPS) Meeting St. Louis, Missouri
1991	William H. Bailey Award for Research in Pathology
1991	Russell J. Eilers Award for Pathology

RESEARCH GRANTS (Funded)

September 13, 2010 – December 13, 2011	National Institute of Justice (PI) "The Effects of Acquisition of Postmortem Blood Specimens on Drug Levels and the Effects of Transport Conditions on Degradation of Drugs," Technical report submitted Sept. 30, 2013
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BIBLIOGRAPHY:

Book Chapters:

McLemore J, Zumwalt RE. Postmortem changes. In: Froede RC, editor. Handbook of Forensic Pathology. Chicago: College of American Pathologists Press, February, 2003

Journal Articles:

Dasgupta A, Mahle C, McLemore J. Elimination of fluconazole interference in gas chromatography/mass spectrometric confirmation of benzoylecognine, the major metabolite of cocaine using pentafluoropropionyl derivative. Journal of Forensic Sciences, JFSCA, May, 1996; Vol 41 (3), pp. 317-319

McLemore JL, Beeley P, Thorton K, Morrisroe K, Blackwell B, Dasgupta A. Rapid automated determination of lipid hydroperoxide concentrations and total antioxidant status of sera from patients infected with HIV: elevated lipid hydroperoxide concentrations and depleted total capacity of sera. American Journal of Clinical Pathology, March, 1998; Vol 109 (3), pp. 268-273

Wright B, McLemore J. "Murderous mullosks." Check sample for The American Society for Clinical Pathology Check Sample series, Forensic Pathology, 2001; Vol.43(6), pp 71-78

Stefan VH, Aronica-Pollak P, McLemore JL. Coronal cleft vertebra initially suspected as an abusive fracture in an infant. Journal of Forensic Sciences, July, 2003;Vol. 48, No. 4,; pp. 1-3

Nolte KB, Lathrop SL, Nashelsky MB, Nine JS, Gallaher MM, Umland ET, McLemore JL, Reicard RR, Irvine RA, McFeeley PJ, Zumwalt RE. "Med-X: A medical examiner surveillance model for bioterrorism and infectious disease mortality." Human Pathology (2007) 38, 718-725

Thomas N, McLemore J. "Methamphetamine mishaps: Anhydrous ammonia." Check sample for The American Society for Clinical Pathology Check Sample series, Forensic Pathology, 2009; No. FP09-6 (FP-347), pp.71-81

McLemore J, Hallengren A. "X-ray appearance of subcutaneous gemstones as part of alternative/holistic medicine: A case report and review of the literature." Clinical Imaging. 2010, 34: 316-318

McLemore J, Hodges W, Wyman A. "Impact of identity theft on methods of identification." Am J Forensic Med Pathol. 2011 June. 32(2): 143-5

Valente K, McLemore J. "Sudden death from spontaneous coronary artery dissection: A discussion of risk factors." American Society of Clinical Pathology Case Reports Series, Forensic Pathology, Exercise 4, 2013

Shrestha BK, Miles MC, McLemore JL. "Sudden death by acute cor pulmonale from intravenous drug abuse during an inpatient admission: Implications for unexplained in-hospital deaths." Clinical Pulmonary Medicine 2013 July, 20(4): 192-5

Still B, McLemore J. "Ruptured sinus of Valsalva aneurysm: A rare cause of sudden, unexpected death." Wake Forest Journal of Science and Medicine. 2016 May. 2(1): 119-121

Giffen M, McLemore J. "Forensic radiology pitfalls: CT imaging in gunshot wounds of the head." Journal of Forensic Sciences. 2018 March.63(2): 351-356

Journal articles (continued):

Giffen MA, McLemore J. "Hyperoxalosis secondary to vitamin C administration as a non-allopathic treatment for cancer." AFP. December 11, 2018 (accepted for publication)

Abstracts:

Tawfik O, McLemore J, Chauduri R. Localization of immune cells in the endometrium during the menstrual cycle. Abstract. Annual meeting of the Society for the Study of Reproduction, Vancouver, Canada 1991

Tawfik O, McLemore J, Wood G. Immunolocalization of growth factors in the human endometrium during the menstrual cycle. Abstract. Annual meeting of the United States and Canadian Academy of Pathology 1991

Palmer RB, Walker, MK, Church MJ, Kim NH, McLemore JL. Developmental cardiotoxicity of BNMPA, a by-product of illicit methamphetamine synthesis. Abstract presentation at the American Academy of Forensic Sciences meeting, Reno, Nevada, February 21-26, 2000

Aronica-Pollak PA, Stefan VH, McLemore J. Notochord regression failure initially suspected as an abusive fracture in an infant. Abstract presented at the American Academy of Forensic Sciences meeting, Atlanta, Georgia, February 11-15, 2002

Hodges W, Wyman A, McLemore J. Impact of Identity Theft and False Identities on Primary Identification Methods. Abstract, platform presentation at the National Association of Medical Examiners conference, Savannah, Georgia, October 15, 2007

McLemore J. Motor Vehicle Crash Involving an Elderly Woman with Undiagnosed Giant Cell Myocarditis. Abstract, platform presentation at the American Academy of Forensic Sciences Annual Conference, Washington DC, February, 2013

McLemore J, Zhou T. Pulmonary Emboli Associated With Leiomyomatous Uteri. Abstract, platform presentation at the National Association of Medical Examiners Conference, Milwaukee, WI, October 11-15, 2013

McLemore J, Schwilke G, Klein D, Shanks K. Comparison of Drug/Metabolite Stability in Specimens Transported in Ambient Temperature Versus on Dry Ice. Abstract, platform presentation at the National Association of Medical Examiners Conference, Portland, OR, September 23, 2014

Morrell-Lopez L, McLemore J. Institutional Experience with the Molecular Autopsy. Abstract, platform presentation at the American Academy of Forensic Science Conference, Orlando, FL, February 17, 2015

Abstracts (continued):

O'Neill TE, McLemore JL, Lantz PE. Non-abusive Bilateral Retinal Hemorrhages Extending to the Ora Serrata in an Infant with a Ventriculo-Peritoneal Shunt for Post-Hemorrhagic Hydrocephalus. Abstract, platform presentation at the National Association of Medical Examiners Conference, Charlotte, NC, October 6, 2015

Giffen MA, Powell J, McLemore J. Forensic radiology pitfalls: CT imaging in gunshot wounds of the head. Abstract, platform presentation at the American Academy of Forensic Sciences, Las Vegas, NV, February 27, 2016

Pomper G, Appt S, Register T, Palavecino E, Beaty M, Lantz P, McLemore J, Hausman J, Wilson E, Dennard D, Oliphant E, Wong SH. Developing a policy/protocol for testing of non-human and forensic samples by a clinical core laboratory. Abstract, 69th AACC Annual Scientific Meeting and Clinical Lab Expo, San Diego, CA, July 30-August 3, 2017

Giffen MA, McLemore J. Hyperoxalosis secondary to intravenous vitamin C administration as a non-allopathic treatment for cancer. Abstract, platform presentation at the National Association of Medical Examiners, West Palm Beach, FL, October 15, 2018

Jackson A, McLemore J. Fatal angioedema due to delayed hypersensitivity reaction associated with hair dye and temporary tattoo. Abstract, platform presentation at the American Academy of Forensic Sciences, Baltimore, MD, February 22, 2019

WAKE FOREST UNIVERSITY
SCHOOL OF MEDICINE
TEACHING PORTFOLIO

TEACHING RESPONSIBILITIES:

Instructor for medical students' laboratories and poster sessions: cardiovascular-pulmonary lab, 1998 to 2003, neoplasia lab, 1999 and 1997, neuropathology lab, 1996, renal lab, 1995, anatomic pathology lab, 1994, hematopathology lab, 1993, University of New Mexico School of Medicine, Albuquerque, NM

Lecturer in the medical students' cardiovascular block, "Atherosclerosis and other vascular diseases," University of New Mexico School of Medicine, March 2000, March 2001

Program coordinator for the pathology material in the cardio-vascular block for medical students at the University of New Mexico School of Medicine, Albuquerque, NM, spring of 2001

Tutorial leader for phase I medical students, Mechanisms of Disease block, problem based learning format, University of New Mexico School of Medicine, Albuquerque, NM, Fall, 2002

"Death certification," presentation to housestaff, Department of Internal Medicine, geriatrics division, University of New Mexico Health Sciences Center, June, 2002 and 2003

"What is the OMI?" presentation to housestaff, University of New Mexico Health Sciences Center, June 2003

Presentation of various anatomic and clinical pathology cases to various departmental specialties as part of the clinical-pathologic correlation conferences, University of New Mexico Health Sciences Center, Albuquerque, NM 1992- 2003

Lecture series for the mortuary science class, Des Moines Area Community College, spring term, "Introduction to Medical Examiners" and "Autopsies" (Jan. 19, 2005), "Hereditary Disease" and "Infectious Diseases" (2005-2010), "Respiratory System" (2005-2008), "Digestive System" (2005-2010)

Guest lecturer, Department of Anatomy, Des Moines University College of Osteopathic Medicine, Des Moines, Iowa, 2007-2010

Selected forensic pathology topics, guest lecturer, Nebraska Wesleyan University Forensic Masters Program, Lincoln, Nebraska, April 25, 2009

TEACHING RESPONSIBILITIES: (Continued)

Lecturer, Monthly didactic lectures in forensic pathology, pathology residents, Department of Pathology, Wake Forest School of Medicine, Winston-Salem, North Carolina, 2010-present

Moderator, medical students' case-centered learning block, Wake Forest School of Medicine, Winston-Salem, North Carolina, Fall of 2010, 2011

Lecturer, Non-neoplastic pulmonary disease, medical students curriculum, Wake Forest University School of Medicine, Winston-Salem, North Carolina, Fall block, Oct. 1-16, 2012-2017

Guest lecturer, North Carolina State Highway Patrol EMT Continuing Education, Wake Forest Baptist Health, Winston-Salem, NC, 2013-2014

Lecturer, County Medical Examiner Statewide Training, Charlotte, NC, November 10, 2015

Participant for "Sisters in Science" program, Wake Forest School of Medicine, Winston-Salem, NC, 2012, 2013, 2015

Lecturer, Davie High School Science, Technology, Engineering and Math program, Department of Pathology, Wake Forest School of Medicine, Winston-Salem, NC, April 28, 2016

Guest speaker, Wake Forest University Summer Immersion Program, Winston-Salem, NC, June 28, 2016

LECTURES/PRESENTATIONS:

"Positional Asphyxia" at the dinner presentation for the Annual Medicolegal Investigation of Death Seminar, Albuquerque, New Mexico, February, 1993

"Mercury Poisoning" for New Mexico Society for Clinical Laboratory Science (NMSCLS), Albuquerque, New Mexico, April 1997

"Interference of Salicylate and Valproic Acid with Bactrim in Sera from HIV Positive Patients" at the Academy of Laboratory Physicians and Scientists, Minneapolis, Minnesota, 1997

"Ricochet Bullets" at the dinner presentation for the Annual Medicolegal Investigation of Death Seminar, Albuquerque, Albuquerque, New Mexico, September, 1998

"Asphyxial Deaths" seminar presentation for the Annual Medicolegal Investigation of Death Seminar, Albuquerque, New Mexico, September, 1998, 1999, and 2000

LECTURES/PRESENTATIONS: (Continued)

"The Microscopic Autopsy" presentation for the New Mexico Histology Society Meeting, Albuquerque, New Mexico, April 17, 1999

"Patterned Injuries" presentation for the Conference on the Prosecutor's Response to Sexual Violence Cases, Albuquerque, New Mexico, November 2-3, 1999

"Postmortem Changes" and "The Forensic Autopsy" presentations for Medicolegal Investigation of Death workshops in Farmington, New Mexico and in Gallup, New Mexico, July 26-27, 2000

"Nurses and the Office of the Medical Investigator," Association of Perioperative Registered Nurses (AORN), Sept. 16, 2000

"Determining cause and manner of death using a traditional approach," dinner seminar presentation at the Medicolegal Investigation of Death Seminar, Albuquerque, NM, Sept. 2000

"Forensic radiography: How radiology is used in medicolegal death investigation," presentation at the New Mexico Society of Radiologic Technologists conference, Albuquerque, NM, April, 2001

"Electrifying concepts about fire, water, and more," presentation at the Medicolegal Investigation of Death Seminar, Albuquerque, NM, Sept. 2001

"Attitudes toward death," guest speaker for undergraduate course, "Pop Culture," University of New Mexico, Jan. 2002

"Forensic implications of complementary and alternative medicine," Pathology Grand Rounds, Department of Pathology, University of New Mexico Health Sciences Center, Albuquerque, NM, Jan. 2002

"Forensic implications of complementary and alternative medicine," New Mexico Society for Clinical Laboratory Science, Albuquerque, NM, April, 2002

"Identification of human remains," New Mexico Field Investigators' Training, Gallup, NM, May 30, 2002

"Medical Therapeutic complications," New Mexico Department of Health, Albuquerque, NM, June, 2002

"Injuries," New Mexico Field Investigators' Training, Office of the Medical Investigator, Albuquerque, NM, June 10, 2002, October 8, 2002, and May 11, 2003

"Strangulation," Domestic Violence Training Class, Albuquerque Police Department Academy, Albuquerque, NM, July 30, 2002 and August 12, 2002

LECTURES/PRESENTATIONS: (Continued)

Preparation of videotape, segment on medical complications of alcohol, "Second Chance," project for Driving While Intoxicated convictions, funded by the Traffic Safety Bureau of the Highway and Transportation Department, Sept. 2002

"The Wrongful Death Autopsy." Lecture for private investigators, The Academy of Private Investigators at Des Moines Area Community College, Oct. 30, 2003

"Asphyxial Deaths." Lecture for the Division of Criminal Investigation (DCI), Des Moines, IA, Dec. 9, 2003

"Suicide." Lecture for the Division of Criminal Investigation (DCI), Des Moines, IA, Dec. 9, 2003

"Iowa State Medical Examiner's Office." Lecture for the Department of Public Health, Des Moines, IA, March 2004 and 2010

"Fire-related deaths." Lecture fire investigators at the Iowa Fire Service Training Bureau, Ames, IA, Sept. 22, 2004

"Complementary and Alternative Medicine." Lecture at Grand Rounds, University of Iowa, Dept. of Pathology, Iowa City, Iowa, Oct. 7, 2004

"Where there's smoke, there's fire, and an autopsy is not far behind." Lecture at the Iowa Association of County Medical Examiners conference, Des Moines, Iowa, Nov. 13, 2004

"Overview of the Medical Examiner System." Career Day for Dowling High School students, Iowa Dept. of Public Health, Des Moines, Iowa, Feb. 16, 2005

"What is up with the State Medical Examiner's Office?" Lecture to the Ankeny Citizen Police Academy, Ankeny, Iowa, March 17, 2005

"What is a Medical Examiner?" Lecture to Ankeny High School students, Career Day, Ankeny High School, Ankeny, Iowa, April 13, 2005

"Overview of the Iowa State Medical Examiner's Office." Lecture to medical assistants, Des Moines Area Community College, Ankeny, Iowa, April 20, 2005

"What is a Medical Examiner?" Lecture to Urbandale High School students, Urbandale High School, Urbandale, Iowa, April 28, 2005

Personal Protective Equipment lecture to members of the Division of Criminal Investigation office, Iowa State Medical Examiner's Office, Ankeny, Iowa, May 11, 2005

LECTURES/PRESENTATIONS: (Continued)

“County and State Medical Examiner Procedures.” Lecture for the Des Moines Public Safety Basic Academy training, Ft. Hood, Johnson, Iowa, May 12, 2005, Oct. 2006, May 2008, Oct. 2008

“Speaking Medical Examinee.” Seminar presentation for the Iowa Court Reporters Association, Des Moines, Iowa, Jan. 2006

“The Medical Examiner and the ER Physician.” Lecture for Des Moines University ER Club, Des Moines University College of Osteopathic Medicine, Des Moines, Iowa, Oct. 5, 2006

“Firearm-related deaths.” Lecture for Des Moines University ER Club, Des Moines University College of Osteopathic Medicine, Des Moines, Iowa, March 30, 2007

“The Iowa Office of the State Medical Examiner.” Lecture for the Iowa Division of the International Association for Identification, Marshalltown, Iowa, May 2007

“Methods of Identification.” Lecture for the Iowa Association of County Medical Examiners annual conference, West Des Moines, Iowa, November 2, 2007 and at the Annual Western North Carolina Death Investigation Conference, Winston-Salem, NC, March 31, 2012 and at the Eastern Carolina University-Brody School of Medicine Death Investigation Conference, Greenville, NC, December 12, 2012

“The Finer Points of Death Certification.” Lecture for the Iowa Association of County Medical Examiners annual conference, West Des Moines, IA, November 7, 2008

“Careers in Forensic Science.” Lecture for biology students at Grandview College, Des Moines, IA, September 23, 2009

“Iowa Office of the State Medical Examiner.” Lecture with Mr. Matthew Lunn for the 2009 IEMSA Conference, Des Moines, IA, November 13, 2009

“Basics in Forensic Pathology.” Lecture for high school students’ forensic course, East Burke High School, Morganton, NC, September 22, 2010

“The Value of Scene Investigations.” Lecture at the Annual Western North Carolina Death Investigation Conference, Winston-Salem, NC, March 26, 2011

“Medicolegal vs. Hospital-Based Autopsies.” Lecture for the Pathology Interest Club, Wake Forest University School of Medicine, Winston-Salem, NC, Sept. 21, 2011 and Sept. 10, 2012

“Forensics: 101.” Lecture for laboratory personnel, Pathology Laboratory week, Wake Forest Baptist Health, Winston-Salem, NC, April 23, 2012

LECTURES/PRESENTATIONS: (continued)

“Forensics: 101.” Lecture for the North Carolina State Highway Patrol EMT Continuing Education, Wake Forest Baptist Health, Winston-Salem, NC, May 8 and Sept. 4, 2013

“Postmortem Changes.” Lecture for the Eastern Carolina University-Brody School of Medicine Death Investigation Conference, Greenville, NC, December 11, 2013

“Crash Course in Motor Vehicle Fatalities: The Medical Examiner’s Perspective.” Lecture for the Annual Western North Carolina Death Investigation Conference, Winston-Salem, NC, March 22, 2014

“Scenes From Final Destination.” Lecture for the North Carolina State Highway Patrol EMT Continuing Education, Wake Forest Baptist Health, Winston-Salem, NC, April 25, 2014 and September 10, 2014

“Death Certification: The Coding System for Death Investigation.” Guest lecturer for the Piedmont Healthcare Symposium for Professional Coders, Greensboro, NC, September 20, 2014; guest lecturer for the American Academy of Professional Coders, Blue Cross and Blue Shield of NC Chapel Hill East, December 3, 2015

“Deaths In and Around Water.” Lecture for the Annual Western North Carolina Death Investigation Conference, Winston-Salem, NC, March 21, 2015

“When Animals Attack.” Lecture for the Annual Western North Carolina Death Investigation Conference, Winston-Salem, NC, March 21, 2015

“Hypothermic/Hyperthermic-Related Deaths.” Lecture for the Annual Western North Carolina Death Investigation Conference, Winston-Salem, NC, April 23, 2016

“A Multidisciplinary Approach to a Local High-Profile Double Homicide.” Department of Pathology Grand Rounds presentation, Wake Forest Baptist Health, Winston-Salem, NC, November 1, 2017; Annual Western North Carolina Death Investigation Conference, Wake Forest School of Medicine, Winston-Salem, NC, April 28, 2018

“Women in Criminal Justice Career Information Fair.” Speaker, Winston-Salem Police Department, Winston-Salem, NC, April 21, 2018

POSTER PRESENTATIONS:

Swaninathan A, McLemore J, Clark DA, McKinney DR, Crooks LA, Tzamaloukas AH. Renal involvement by mycosis fungoides. Poster presentation. Annual meeting of the New Mexico Chapter of the American College of Physicians, Albuquerque, New Mexico 1993

POSTER PRESENTATIONS (CONTINUED):

McLemore J, Azikiwi CN, Malhoutra D, Saddler MC, Murata GH, Tzamaloukas AH. Erythrocytosis with high serum erythropoietin in a hemodialysis patient. Poster presentation. Annual meeting of the New Mexico Chapter of the American College of Physicians, Albuquerque, New Mexico 1994

McLemore J, Dasgupta A, Wallis T. Significant cost reduction in new magnetic HDL-cholesterol assay by reducing reagent and sample volume. Poster presentation. Annual meeting for American Association for Clinical Chemistry and Canadian Society of Clinical Chemists 1996

Tvrdik S, McLemore J. "Homicides Staged as Suicides." Poster presentation at the American Academy of Forensic Sciences Annual Conference, Washington, DC, February, 2008

Umesi N, McLemore J. "The Utility of Extensive Dissection of Autopsied Hearts". Poster presentation at the 2011 Medical Student Summer Research Training Program, Wake Forest University School of Medicine, Medical Student Research Day. Winston Salem, NC. October 2011.

Lenfest S, McLemore J. "Sudden Death from Aggressive Pansinusitis and Pituitary Abscess With Clinical Features Suspicious for Intracranial Trauma." Poster presentation at the American Academy of Forensic Sciences Annual Conference, Washington DC, February, 2013

Brown S, Lantz PE, Jason DR, McLemore J. "Use of Therapeutic Intravenous Catheters in Drug Addiction: A Series of Three Cases." Poster presentation at the American Academy of Forensic Sciences Annual Conference, Washington DC, February, 2013

Philip, JKSS, Qasem SA, Enweluzo C, McLemore JL. "Widely Metastatic Hepatic Angiosarcoma Mimicking Hereditary Telangiectasia Presenting During Pregnancy And Diagnosed At Autopsy." Poster presentation at the College of American Pathologists (CAP) annual meeting, Gaylord Palms, Orlando, October, 2013

Curry B, McLemore JL. "An Unusual Death By A Homemade Medical Device." Poster presentation at the American Academy of Forensic Sciences Annual Conference, Seattle, WA, February, 2014

Haer ER, McLemore J. "Homemade Deer Hunting Tree Stand: A Unique Cause of an Asphyxial Death." Poster presentation at the National Association of Medical Examiners Annual Conference, Charlotte, NC, October 2015

Wolanin SA, McLemore J. "Autopsy Confirmed Signet-Ring Cell Adenocarcinoma of the Gallbladder with an Endometrial Polyp Metastasis." Poster presentation at the College of American Pathologists (CAP) annual meeting, Gaylord Opryland Resort & Convention Center, Nashville, TN, October 2015

POSTER PRESENTATIONS (CONTINUED):

McLemore J., Sweede S. "Dehiscence and Exsanguination of a Surgical Chest Incision Mimicking

Traumatic Injury in a Non-decomposed Person.” Poster presentation at the National Association of Medical Examiners Annual Conference, Scottsdale, AZ, October 2017

Handout 79



Name: Lindsey Admire
Laboratory: Raleigh Crime Laboratory
Job Title: Forensic Scientist III
Date: 4/26/19

CASEWORK

Laboratory Section: Physical Evidence Section – Trace Unit
Discipline(s) of Casework: Hair, Fiber, Tape, Physical Match

EDUCATION

Institution	Dates Attended	Major	Degree Completed
Indiana University	2004 – 2007	Biochemistry	M.S.
Western Carolina University	2000 – 2004	Biology Chemistry Mathematics	B.S., University Honors B.S. – ACS approved, University Honors Minor

PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS

- American Board of Criminalistics – Fellow
 - Passed the American Board of Criminalistics certification examination December 2011
- American Society of Trace Evidence Examiners – Regular Member

COURTROOM TESTIMONY

Discipline	Date Authorized	Approximate Testimony Appearances
Hair	July 2007	19
Fiber	October 2008	1
Hair and Fiber	October 2008	1
Hair and Tape	October 2008	1
Evidence Technician	July 2007	1

TRAINING AND EXPERIENCE

Hair Date	Title
October 2015	DNA and Trace Evidence Working Together <i>SAFS/ASTEE workshop</i>
July 2014	Hair Evaluation for DNA Analysis <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
February 2013	Microscopic Identification of Post Mortem Root Banding of Hairs <i>AAFS workshop, sponsored by ASTEE</i>
May 2011	Advanced Forensic Microscopy: Hair <i>McCrone Research Institute</i>

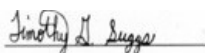
A handwritten signature in blue ink, reading "Timothy H. Suggs".



July 2006 to July 2007 Training program for Hair Analysis
NCSCCL, Raleigh, NC

Fiber, Tape and Physical Match

Date	Title
October 2015	Fiberglass Manufacturing Tour <i>SAFS/ASTEE workshop</i>
October 2015	Pressure-sensitive tape <i>SAFS/ASTEE workshop</i>
October 2015	Textile Plant Tours <i>SAFS/ASTEE workshop</i>
June 2015	Interpretation of Fiber Evidence <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
June 2015	Characterization and Comparison of Dyed Fibers <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
June 2015	Identification of Natural and Man-Made Fibers <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
October 2014	Trace Evidence in Traffic Accidents <i>MAFS/ASTEE workshop</i>
October 2014	Topics in Microspectrophotometry <i>MAFS/ASTEE workshop</i>
October 2014	Dyes and Dyeing: The History, Chemistry and Application of Natural Synthetic Dyes for Fibers and Fabrics <i>Arranged by MAFS/ASTEE, St. Paul, MN</i>
October 2014	3M Innovation Tour and Talk from a Tape Expert <i>Arranged by MAFS/ASTEE, St. Paul, MN</i>
May 2014	Fibers and Textiles for Forensic Scientists <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
August 2013	Forensic Analysis of Pressure Sensitive Tape <i>ASTEE course. Presented by Johnson County Crime Laboratory, KS; taught by Jenny Smith</i>
June 2012	Forensic Examination and Comparison of Paint, Tape and Adhesive Evidence <i>FIU Workshop</i>
August 2011	Identification of Natural Fibers <i>TES Workshop</i>
August 2011	Fiber Contact Traces <i>TES Workshop</i>
July 2007	Duct Tape Analysis Workshop and Tour <i>Shurtape Technologies</i>
August 2007 to October 2008	Training program for Fiber Analysis <i>NCSCCL, Raleigh, NC</i>
January 2007	TT252: Formation and Structure of Textile Fabrics <i>NC State University</i>
August 2006	TT221: Yarn Productions and Properties <i>NC State University</i>





Microscopy and Sample Preparation Training:

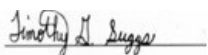
Date	Title
July 2018	Interpretation of Infrared and Raman Spectra <i>Bowdoin College, Maine by IR Courses, Inc.</i>
July 2017	FTIR Users Group <i>PerkinElmer</i>
October 2012	Infrared Microscopy <i>Hooke College of Applied Sciences</i>
November 2011	Sample Preparation and Manipulation for Microanalysis <i>McCrone Research Institute</i>
October 2010	Microscopic Particle Handling: Particle Isolation, Manipulation and Mounting <i>Hooke College of Applied Sciences</i>
April 2010	Microscopical Examination of Forensic Trace Evidence Particles <i>Hooke College of Applied Sciences</i>
January 2009	Advanced Forensic Polarized Light Microscopy: Hairs & Fibers <i>McCrone Research Institute</i>
July 2008	Forensic Microscopy <i>Presented by McCrone Research Institute; taught by Skip Palenik</i>

Courtroom Training:

Date	Title
July 2014	Perspectives in Expert Testimony <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
September 2011	Integrity, Character and Ethics in the Forensic Sciences <i>SAFS workshop</i>
September 2011	Courtroom Testimony Techniques <i>SAFS workshop</i>
September 2010	Expert Witness Testimony Techniques for Forensic Scientists in a Post Daubert & NAS Report Environment <i>SAFS workshop</i>

Miscellaneous Training:

Date	Title
February 2018	General Instructor Training <i>NC Justice Academy</i>
August 2017	Minimizing Bias in Forensic Decision Making <i>CONCEPT distance learning</i>
June 2017	Perkin Elmer Workshop on Various Applications and Technologies in Instrumentation <i>RTP, NC</i>
April 2016	Perkin Elmer Workshop on Materials Characterization <i>Charlotte, NC</i>
March 2016	Exploring Supervision – Is this role for you? <i>NC Office of State Human Resources, Leading at All Levels for Individual Contributor (LAAL-IC)</i>
November 2014	Personal Productivity <i>NC Office of State Human Resources, Leading at All Levels for Individual Contributor (LAAL-IC)</i>

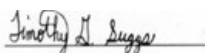




November 2014	Individual Contributor Foundations <i>NC Office of State Human Resources, Leading at All Levels for Individual Contributor (LAAL-IC)</i>
September 2014	Dealing with Change <i>NC Office of State Human Resources, Leading at All Levels for Individual Contributor (LAAL-IC)</i>
September 2014	Communicating with Your Team <i>NC Office of State Human Resources, Leading at All Levels for Individual Contributor (LAAL-IC)</i>
March 2014	Creating Terrific Training <i>NC Justice Academy</i>
March 2013	Thermo Combined Spectroscopy Methods for Forensic Analysis Webinar <i>Online Webinar</i>
October 2012	2012 Inspiring Innovation – Perkin Workshop <i>Raleigh, NC</i>
March 2012	Thermo Fisher Scientific 3-Track Seminar Series: Liquid Chromatography and LC/Mass Spectrometry <i>Raleigh, NC</i>
February 2011	Forensic Science 101: An Introduction <i>Continuing Education for Forensic Professionals Program, West Virginia University</i>
October 2010	Thermo Fisher Scientific 3-Track Seminar Series: Trace Elemental Analysis <i>Raleigh, NC</i>
September 2010	Estimating the Uncertainty of Measurement in the Modern Forensic Laboratory: Compliance with ISO 17025 <i>SAFS workshop</i>
September 2010	Introduction to the Analysis of Explosives <i>SAFS workshop</i>
May 2010	Latest Advances in ICP/MS – Perkin Elmer Workshop <i>Raleigh, NC</i>
January 2010	Essentials of Crime Scene Investigation <i>Largo, FL</i>
October 2009	Thermo Fisher Scientific 3-Track Seminar Series: Trace Elemental Analysis <i>Raleigh, NC</i>
May 2008	Forensic Entomology <i>NC SBI/Wake Technical Community College course; taught by Mel Bishop</i>
April 2008	ICP/MS Inorganic Workshop Series – Perkin Elmer Workshop <i>Raleigh, NC</i>
October 2007	NC SBI Forensic Analyst Academy <i>Raleigh, NC</i>
February 2007	Advanced Crime Scene Search Specialist Training <i>Raleigh, NC</i>

Meetings and Conferences

Date	Title
October 2015	Southern Association of Forensic Scientists / American Society of Trace Evidence Examiners (SAFS/ASTEE) Joint Meeting <i>Atlanta, GA</i>
October 2014	Midwestern Association of Forensic Scientists / American Society of Trace Evidence Examiners





September 2011 (MAFS/ASTEE) Joint Meeting
St. Paul, MN
Southern Association of Forensic Scientists (SAFS)
Charlotte, NC
August 2011 Trace Evidence Symposium
Kansas City, MO
September 2010 Southern Association of Forensic Scientists (SAFS)
Tunica, MS

EMPLOYMENT HISTORY

Tenure: July 2006 – Present

- **Employer:** North Carolina State Crime Laboratory
- **Job Title:** Forensic Scientist II
- **Primary Duties:**
Casework
 - Technical Leader over Hair sub-discipline and Tape sub-discipline
 - Responsible for the preparation, analysis, interpretation and reporting of hair evidence
 - Responsible for the preparation, analysis, interpretation and reporting of fiber, tape, and physical match evidence
 - Authorized to perform administrative and technical case file reviews
 - Qualified to testify as an expert witness in municipal, state or federal court
 - Externally proficiency tested annually

Tenure: August 2004 – July 2006

- **Employer:** Indiana University at Bloomington
- **Job Title:** Research Associate / Assistant Instructor
- **Primary Duties:**
 - Designing, Expressing, Purifying, and Characterizing proteins.
 - Teaching an introductory biology laboratory, including preparing lectures, grading papers, and holding office hours.

Tenure: July 2004 – August 2004

- **Employer:** Wyeth Pharmaceuticals
- **Job Title:** Intern IV
- **Primary Duties:**
 - To assist in reproducing manufacturing conditions on a small scale to correct any problems that may occur during production.

Tenure: June 2002 – August 2002

- **Employer:** Clemson University
- **Job Title:** Undergraduate Research Assistant
- **Primary Duties:**
 - To assist a post-doctoral student with her project on understanding the photocarboxylation of phenanthrene.

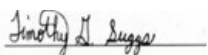
Timothy M. Suggs



OTHER QUALIFICATIONS

Training, Instruction and Presentations

- Instructor and presenter for Crime Laboratory
- Mentor, interviewee or email correspondent for students completing projects in Trace Evidence or Forensic Science
- Taught L113: General Biology Laboratory – Indiana University at Bloomington
- Masters Research Project – Antiparallel Coiled Coils: Design of Orthogonal Antiparallel Homodimer Pair and Assembly
- Summer Undergraduate Research Project – Photocarboxylation of Phenanthrene
- Served as an internal inspector for the Crime Laboratory



Handout 80

Expert Report – Dr. Max Houck, Forensic Science International

State v. Merritt Williams Drayton – Forsyth County
86 CRS 018809 (Wilson); 86 CRS 031738 (Bryson)

May 20, 2019

I. Scope

I reviewed materials provided to me by NCIC and used my training and experience to formulate opinions related to the forensic trace analysis in Bryson and Wilson.

II. Professional Qualifications

Dr. Max M. Houck has 30 years of forensic experience. He has worked as a forensic anthropologist, a trace evidence analyst, and researcher. He was the inaugural Director of the Department of Forensic Sciences in Washington D.C. Dr. Houck received his Bachelor's and Master's Degrees in Anthropology from Michigan State University and his Ph.D. in Applied Chemistry Summa Cum Laude from Curtin University in Perth, Australia. Dr. Houck is a Fellow of the Royal Society of Chemistry. His CV is attached to this report as Exhibit A.

III. Materials Reviewed

I reviewed the following materials:

- (1) Select Pages from the North Carolina Innocence Inquiry Commission Brief. (p. 940-950; 755-810; 189-197; 113; 40-54).
- (2) The Crime Lab reports regarding the fiber analysis in the Bryson case.
- (3) The Crime Lab reports regarding the hair analysis in the Bryson case.
- (4) The Crime Lab reports regarding the fiber analysis in the Wilson case.
- (5) Select documents from the WSPD file in the Bryson case (p. 522-525, 504-519, 499-500; 468, 460).
- (6) Select documents from the WSPD file in the Wilson case (p. 658-659; 631-641)
- (7) Select newspaper articles.
- (8) Testimony of John Wayne Bendura in the Wilson case at the Mitchell and Hunt trials.
- (9) Testimony of John Bedura and Scott Worsham in the Bryson case

IV. Areas of Expertise

It is anticipated that Dr. Houck will be tendered as an expert in forensics, specifically trace analysis and forensic practices and procedures.

V. Anticipated Opinions

Dr. Houck anticipates providing the following opinions based on his education, training, experience, and review of the above materials regarding the following:

A. Arthur Wilson

- (1) The chain of custody of the ax handle prior to its collection by the police is significant. It is not a reasonable source of evidence because it has been in an uncontrolled environment for years so the provenance of that evidence cannot be validated. Given this situation there is no additional value to the fibers "stuck" in the ax.
- (2) One of the most important aspects of fiber examination is color, particularly for natural fibers like wool. The wool is undyed (no color) and therefore has little evidential value. You cannot reliably distinguish between types of wool.
- (4) Because of the insufficient information in the wool and its time in an unsecured location (not treated as evidence), a comparison is not meaningful. Therefore, this examination is an identification of the fiber type only. There is little to no evidential value in this conclusion.

B. Blanche Bryson

a. Toboggans

- (1) With no identified known source, the fibers comparisons are best characterized as "fibers in common without a known source."
- (2) Fibers come in two basic types: Natural and manufactured. Examples of natural fibers are cotton, wool, and silk. Manufactured fibers are either synthetic, like nylon or polyester, or cellulosic, made from fiber-forming substances like pulped wood or plant material.
- (3) In this case, three types of fibers are listed in the report: Rayon, acetate, and wool.
 - a. Rayon has one cross-sectional shape.
 - b. Acetates have a limited range of cross-sectional shapes.
- (4) Based on the laboratory notes, a limited microscopic examination was conducted. Given the technology at the time, it was possible to do further analysis but that further analysis was not done.
 - a. The analyst could have measured the fiber diameter, but did not. Fiber diameter allows you to distinguish between fibers of the same type.
 - b. Based on the laboratory notes, it appears the analyst incorrectly identified the fiber. The description of the fiber, the drawing, and

the examination suggest the fiber was actually acrylic and not acetate.

- i. The analyst's description of the fiber provides the wrong cross-section for acetate.
- ii. Acetate does not have a positive (+) sign of elongation.
- iii. Given the description of the examinations conducted, the analyst should have been able to make further evaluations (for birefringence, for example) that would have correctly identified the fibers and, perhaps, excluded the two samples (fibers from both toboggans) from each other.
- c. All of the fibers are "white" or colorless and this means they have limited evidential value.
- d. Additionally, infrared spectroscopy would have indicated what the "acetate" fiber actually was.

b. Hair

There are three basic parts of a hair are the tip, shaft, and root. A hair fragment is a shaft without a root. Because we do not have a root, we cannot tell how long the hair is for comparison. Most hair fragments do not have sufficient information to be suitable for significant comparison purposes. Today, mitochondrial DNA analysis would be conducted. In almost all circumstances, the limit of conclusion for a hair fragment is "this is a human hair fragment." Based on my education, training, and experience, the testimony offered about the fragments exceeds a supportable conclusion about the identity of the source of the hair fragments.

I reserve the right to make additional opinions as requested by Commission staff and/or during the Commission hearing based on what I have reviewed and my education, training, and experience.



Dr. Max M. Houck, FRSC



Max M. Houck, Ph.D., FRSC
+1 727.346.8285, mmhouck@forensicsintelligence.net

Experience

PROGRAM DIRECTOR FORENSIC STUDIES & JUSTICE PROGRAM, UNIVERSITY OF SOUTH FLORIDA ST. PETERSBURG, ST. PETERSBURG FL, 2017-PRESENT

Director of the Forensic Studies & Justice Program, a Criminology parallel B.S. degree emphasizing forensic intelligence, biases in investigations, corrective measures to improve social justice.
maxmhouck@mail.usf.edu

MANAGING DIRECTOR, FORENSIC & INTELLIGENCE SERVICES, LLC — 2011-PRESENT

Consultant providing subject matter expertise in intelligence analysis, forensic science, business and process improvement, and professional communications; Woman/Minority-owned small business

DIRECTOR, DEPARTMENT OF FORENSIC SCIENCES, DISTRICT OF COLUMBIA CONSOLIDATED FORENSIC LABORATORIES, WASHINGTON, DC 20024. — 2012-2015

Responsible for the management and operation of the agency, which contains the Forensic Science Laboratory (ISO 17025), Public Health Laboratory (CDC Tier 1 Biology and Tier 2 Chemistry), and Crime Scene Sciences; primary responsibility for the Consolidated Forensic Laboratory, a 300K sq. ft facility with 2 BSL-3 labs and morgue. Independent forensic agency with jurisdictional responsibility for the District of Columbia. \$16M annual budget; \$1.5M in grants; 137 staff; achieved ISO 17025 in 8 months, CDC certification in 1 year.

PRINCIPAL ANALYST, FORENSIC ENTERPRISE DIVISION, ANALYTIC SERVICES, INC. (ANSER), ARLINGTON, VA — 2011-2012

Strategic leader in forensics and biometrics; National-scale strategy for forensic science.

DIRECTOR, FORENSIC SCIENCE INITIATIVE (RESEARCH); DIRECTOR, FORENSIC BUSINESS RESEARCH AND DEVELOPMENT (BUSINESS AND ECONOMICS), WEST VIRGINIA UNIVERSITY, MORGANTOWN, WV — 2001-2012

Direction of \$32M in research and resource initiatives for forensic science; Developing educational and professional resources in forensic science; Developing forensic business and economic applications and research; Lecturer in Forensic and Investigative Sciences Program, WVU.

PHYSICAL SCIENTIST, TRACE EVIDENCE UNIT, LABORATORY DIVISION, 1994-2001, FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, D.C. — 1994-2001

Worked hundreds of cases in trace evidence and anthropology; Testified in local, state, and federal courts for prosecution and defense; Chairman of the Scientific Working Group for Materials Analysis; Technical Liaison Manager with federal agencies. Research Associate at Department of Anthropology, Smithsonian Institution. Assisted DoD with identification of 9/11 Pentagon victims.

CRIMINALIST II, 1992-1994, TARRANT COUNTY MEDICAL EXAMINER, FORT WORTH, TX — 1992-1994

Trace evidence analysis; Instituted forensic anthropology department in laboratory, including recovery of remains. Coordinating anthropologist for the Branch Davidian Investigation, Waco, TX

APPLICATIONS SPECIALIST, 1988-1992, OXFORD INSTRUMENTS, INC., MADISON, WI

ELECTRON MICROSCOPY TECHNICIAN, 1987-1988, MICHIGAN STATE UNIVERSITY, EAST LANSING, MI

ARCHAEOLOGIST AND RESEARCH ASSISTANT, 1982-1986, MICHIGAN STATE UNIVERSITY, EAST LANSING, MI

Education

PhD, 2010. Applied Chemistry (Summa Cum Laude--Chancellor's Letter) Curtin University, Perth, Australia
Thesis: *Foundational Principles of Forensic Science: Using Supply Chains as a Basis for Evidentiary Significance.*
Chancellor's Letter of Commendation (Summa Cum Laude).

M.A., 1998. Anthropology, Michigan State University, Thesis: Individualization of Toolmarks in Bone.

B.S., 1984. Anthropology, Michigan State University, Outstanding Senior in Anthropology

Professional memberships

American Chemical Society
American Society of Crime Laboratory Directors (retired)
Fellow, Royal Society of Chemistry
Association of Certified Fraud Examiners
American Association for the Advancement of Science

	All	Since 2013
Citations	2106	1213
h-index	25	18
i10-index	37	28

Awards

- › Excellence in Reviewing, Science and Justice, 2013
- › Best Oral Presentation, Australian-New Zealand Forensic Science Society Symposium 2010, Management and Quality Section, "The FORESIGHT Project: Collaborative Benchmarking for Effectiveness, Efficiency, and Quality"
- › Mary E. Cowan Outstanding Service Award, American Academy of Forensic Sciences, 2009
- › 100 Most Influential, Dominion Post, Morgantown, WV, 2004
- › American Society for Testing and Materials, Forensic Sciences Award, 2001
- › Quality Award, FBI Laboratory, 1999

Editorial work

- › Editor in Chief, *Forensic Science International: Synergy* (2018-present)
- › Editorial Board, *Forensic Science International*
- › Editorial Board, *Forensic Science International: Reports*
- › Editor in Chief, *Forensic Science Policy and Management* (2008-2017)
- › Chair of the Section Editors, *Encyclopedia of Forensic Sciences* 2nd edition, Elsevier: Amsterdam.
- › *Journal of Forensic Sciences* Editorial Board (retired)
- › *Science and Justice* Editorial Board (retired)
- › International Forensic Science Series, Taylor and Francis publishers

Committees

- › Royal Society Special Session on Forensic Science, London, UK, 2015
- › Executive Office of the President of the United States, National Science and Technology Council, Committee on Science, Subcommittee on Forensic Science, Education, Ethics, and Terminology Interagency Working Group (2010-2011)
- › NIST Human Factors in Latent Print Analysis, Co-Chair (2009-2012)
- › Interpol Forensic Science Symposium Planning Committee (2008-present)
- › Forensic Educational Program Accreditation Commission (FEPAC), Chairman (2005-2011)
- › Forensic Educational Program Accreditation Commission (FEPAC) 2004
- › European Academy of Forensic Sciences Symposium Scientific Committee (2005-2006)
- › National Academies of Science Committee on Educational Paradigms for Homeland Security (2004)
- › National Library of Medicine Planning Panel, History of Forensic Science exhibit, 2002-2003
- › Technical Working Group on Education and Training in Forensic Science
- › ASTM Committee E 30 on Forensic Sciences
- › Scientific Working Group on Materials Analysis, Chair, FBI
- › Employee Advisory Committee to the FBI Director (1995-1999). Addressed and mitigated FBI employee concerns with administration and reported to FBI Director.

- Technical Advisory Panel, Revision of Standard Reference Collection of Forensic Science Materials: Status and Needs (1977), through Office of Law Enforcement Standards (OLEs) and National Institute of Technology and Standards (NIST).

Keynote addresses and Invited Lectures

- Forensic Science is History, **TEDx** Talk, 2018
- The Death of Marat As Art and Evidence, Salvador Dali Museum, St. Petersburg, FL, 2017, 2018
- The Business of Forensic Science: A New Paradigm, European Academy of Forensic Sciences, 2015
- How Forensic Science Works, Invited Plenary, Australian New Zealand Forensic Science Society, 2014
- Defining the forensic enterprise for an enduring strategic vision, Invited Keynote, Australian New Zealand Forensic Science Society, 2012
- Forensic science as a gateway for women into science, Oxford Round Table, July, 2009.
- Presentations to the National Academies of Science "Needs of Forensic Science" Committee on forensic science education and forensic hair comparisons
- Crime Scene Investigation, NASA Goddard Engineering Colloquium, Goddard Space Flight Center, Greenbelt, MD, November 2005
- The Role of Forensic Science and Academia, Educational Session, International Association of Forensic Sciences, 2005, Hong Kong, China.
- Forensic Science and Business, 2005, West Virginia University Alumni Association, Cleveland, OH
- Forensic Science is History, 2004 Combined Meeting of the Southern, Midwestern, MidAtlantic Associations of Forensic Scientists and the Canadian Society of Forensic Scientists, Orlando, FL, September.
- Making Legal Evidence Count, 2003, Max Planck Institute Summer Course in Bounded Rationality, Berlin, Germany.

Books and book chapters

- Houck, M.M. (*in press*) "Improving investigations with structured analytic techniques," in Masys, A., Fox, B. and Reid, J. (eds) *Science Informed Policing*. Springer.
- Houck, M.M. (*in press*) "Front-end Forensics: Using forensic science as an active intelligence tool in investigations," in Masys, A., Fox, B. and Reid, J. (eds) *Science Informed Policing*. Springer.
- Houck, M. M. (2019). Forensic Sciences; Fibers. In Worsfold, P., Poole, C., Townshend, A., Miró, M., (Eds.), *Encyclopedia of Analytical Science* (3rd ed.). vol. 4, pp 28–37, Elsevier.
- Houck, M.M., Funk, C., and Feder, H. (2018). *Successful Expert Testimony, Fifth Edition*. CRC Press.
- Houck, M. (2018) (Ed) *Advanced Forensic Science Series: Behavioral Sciences*. Elsevier: Amsterdam.
- Houck, M.M., Crispino, F., and McAdam, T. (2018). *The Science of Crime Scenes, 2nd Edition*. Elsevier: Amsterdam.
- Houck, M. (2017) (Ed) *Advanced Forensic Science Series: Forensic Engineering*. Elsevier: Amsterdam.
- Houck, M. (2017) "Are hairs a legitimate science?" in Koen, W. and Bowers, M. (Eds.) *Forensic Science Reform: Protecting the Innocent*. Academic Press: San Diego, CA.
- Houck, M. (2017) "Exquisite measurements, erroneous inferences: Compositional bullet lead analysis" in Koen, W. and Bowers, M. (Eds.) *Forensic Science Reform: Protecting the Innocent*. Academic Press: San Diego, CA.
- Houck, M. (2017) (Ed) *Advanced Forensic Science Series: Forensic Anthropology*. Elsevier: Amsterdam.
- Houck, M. (2016) (Ed) *Advanced Forensic Science Series: Forensic Pathology*. Elsevier: Amsterdam.
- Houck, M. (2016) (Ed) *Advanced Forensic Science Series: Fingerprints*. Elsevier: Amsterdam.

- Houck M. and Funk C. 2016. "Preparation of Witnesses: Witness Preparation – United States of America". In: Payne- James J. and Byard R.W. (eds.) *Encyclopedia of Forensic and Legal Medicine*, 2nd edition, Vol. 4, pp. 46-51. Elsevier.
- Houck, MM and Siegel, JA, (2016) *Fundamentals of Forensic Science*, 3rd Edition, Academic Press, San Diego.
- Houck, M. (2015) (Ed) *Advanced Forensic Science Series: Forensic Chemistry*. Elsevier: Amsterdam.
- Houck, M. (2015) (Ed) *Advanced Forensic Science Series: Forensic Biology*. Elsevier: Amsterdam.
- Houck, M. (2015) (Ed) *Advanced Forensic Science Series: Professional Issues*. Elsevier: Amsterdam.
- Houck, M. (2015) (Ed) *Advanced Forensic Science Series: Firearms and Toolmarks*. Elsevier: Amsterdam.
- Houck, M. and Speaker, P. 2015. "Developing new models for forensic science: The business of forensics," in Hickman, M. (ed) *Forensic Science and the Administration of Justice*, pages 221-234. SAGE Publications.
- Houck, M. (2015) Chapter 2 Textiles, in *Forensic Chemistry: Fundamentals and Applications*, Siegel, J. (ed). Wiley: New York.
- Siegel, J. and Sauko, P. 2013. *Encyclopedia of Forensic Sciences, 2nd Edition*. Elsevier: Amsterdam.
 - Crispino, F. and Houck, M.M. 192. Basic Principles of Forensic Science
 - Houck, M.M. 57. Missing Persons (NameUS)
 - Houck, M.M. 215. Counterfeits
 - Houck, M.M. 204. Major Scene Management
 - Houck, M.M. 239. Effectiveness
 - Houck, M.M. 251. Analytical Light Microscopy
 - Houck, M.M. 252. Microscopy (Electron)
 - Houck, M.M. 279. Serial Number Restoration.
 - Houck, M.M. 269. Range.
 - Houck, M.M. 287. Accreditation of Educational Programs.
 - Houck, M.M. 292. Research and Publishing.
 - Houck, M.M. 329. Interpretation/The Comparative Method
 - Houck, M.M. 330. Forensic Classification of Evidence.
 - Houck, M.M. 331. American Academy of Forensic Sciences (AAFS).
 - Houck, M.M. 332. Australian-New Zealand Forensic Science Society.
 - Houck, M.M. 333. American Society of Crime Laboratory Directors (ASCLD).
 - Houck, M.M. 334. European Network of Forensic Science Institutes (ENFSI).
 - Houck, M.M. 335. International Association for Identification (IAI).
 - Houck, M.M. 336. National Association of Medical Examiners (NAME).
 - Houck, M.M. 337. Senior Managers of Australian-New Zealand Forensic Laboratories (SMANZFL).
 - Robertson, J. and Houck, M.M. 236. Certification
- Houck, M.M. 2012. "Principi fondamentali della scienza sulla scena del crimine [Fundamental principles of science at the crime scene]" in *Le investigazioni tecnico scientifiche sulla scena del crimine*, D.Curtottii and L. Saravo, (eds). Giappichelli: Torino.
- Houck, M.M. 2012. "International Aspects of Forensic Science," pages 273-276, in *Fifty Years of Forensic Science: A Commentary*, Nic Daeid, N. (ed), Wiley-Blackwell: Hoboken, NJ.
- Houck, M.M., Crispino, F., and McAdam, T. 2012. *The Science of Crime Scenes*. Elsevier: Amsterdam.
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Print Examination and Human Factors: Improving the Practice through a Systems Approach. U.S. Department of Commerce, National Institute of Standards and Technology.

- ▶ Houck, M.M. and Bowen, R.T. 2012. "Teaching Ethics," in *Ethics in Forensic Science*, Downs, J. and Swienton, A. (eds). Elsevier: Amsterdam.
- ▶ Houck, M.M. and Siegel, J.A. 2010. *Fundamentals of Forensic Science, 2nd edition*. Academic Press, San Diego.
- ▶ Houck, MM. "Trace Evidence" in *Forensic Science Handbook*, James Fraser and Robin Williams, eds. Willan Publishing, Devon, UK, 2009.
- ▶ Houck, MM, *Trace Evidence*, Facts on File, New York. 2009.
- ▶ Houck, MM, *Science vs Crime*, Facts on File, New York. 2009.
- ▶ Houck, MM (ed) *Fiber Identification*, Woodhead Publishing, London. 2009.
- ▶ Feder, H. and Houck, M.M. *Feder's Succeeding as an Expert Witness*, CRC Press, Boca Raton, FL, 2008.
- ▶ Houck, MM. *Forensic Science: Modern Methods of Solving Crime*, Praeger Publishing, Westport, CT. 2007.
- ▶ Houck, MM and Siegel, JA, *Fundamentals of Forensic Science*, Academic Press, San Diego, 2006.
- ▶ Houck, MM, "Preparation of Witnesses (U.S.)", *Encyclopedia of Legal and Forensic Medicine*, Payne-James, J., Byard, R.W., Corey, T.S., Henderson, C. (eds). Elsevier: Oxford, UK, 2005, 490-495.
- ▶ Houck, MM (editor), *Trace Evidence Analysis: More Cases from Mute Witnesses*, Academic Press: San Diego, 2003.
- ▶ Grieve, M. and Houck, MM, "Introduction", in Houck, MM (ed) *Trace Evidence Analysis: More Cases from Mute Witnesses*, Academic Press: San Diego, 2003.
- ▶ Houck, MM, "My Roommate is Using the Refrigerator", in Houck, MM (ed) *Trace Evidence Analysis: More Cases from Mute Witnesses*, Academic Press: San Diego, 2003.
- ▶ Houck, MM (editor), *Mute Witnesses: Trace Evidence Analysis*, Academic Press: San Diego, 2001.
- ▶ Houck, MM, "A Case of Cross Transfer", in Houck, MM (ed), *Mute Witnesses: Trace Evidence Analysis*, Academic Press: San Diego, 2001.
- ▶ Ryland, S and Houck MM, "Only Circumstantial Evidence," in Houck, MM (ed), *Mute Witnesses: Trace Evidence Analysis*, Academic Press: San Diego, 2001.
- ▶ Wiggins, K and Houck, MM, Introduction, in Houck, MM (ed), *Mute Witnesses: Trace Evidence Analysis*, Academic Press: San Diego, 2001.
- ▶ Siegel, J and Houck, MM, Chapter 36: *Forensic Textile Fiber Analysis*, In *Forensic Sciences* (3 vol.), C. Wecht, ed., 2001.
- ▶ Houck, MM, 1998, Skeletal Trauma and the Individualization of Knife Marks in Bone, in *Forensic Osteology, 2nd ed.*, Reichs K (ed.), 410-424.

Journal Publications

- ▶ Houck, MM. Strategic leadership through performance management; FORESIGHT as PerformanceStat. *Australian Journal of Forensic Sciences* (2017), DOI: 10.1080/00450618.2017.1374457.
- ▶ Telford, C., Burrows, B., Sauzier, G., Bronswijk, W., Houck, M., Maric, M. and Lewis, S. (2017) Classification of polyethylene cling films by attenuated total reflectance-Fourier transform infrared spectroscopy and chemometrics. *Analytical Methods*. *Analytical Methods* 9, 192-197.
<http://dx.doi.org/10.1039/C6AY02960D>.
- ▶ Houck, MM. 2016. Risk, Reward, Redemption: Root Cause Analysis in Forensic Organizations, *Forensic Science Policy and Management*, 7(3-4): 106-112.
- ▶ Houck MM, McAndrew WP, Porter M, Davies B: 2015. A review of forensic science management literature; *Forensic Science Review* 27:53.

- Houck, M.M. in press. "Managing performance in forensic science using the balanced scorecard," Fingerprint Whorld.
- Tridico, S., Houck, M., Kirkbride, P., Smith, M., and Yates, B. 2014. Morphological identification of animal hairs: Myths and misconceptions, possibilities and pitfalls, *Forensic Science International* 238: 101-107.
- Christensen, A.*, Crowder, C., Ousley, S., and Houck, M. 2014. "Error and its meaning in forensic science," *Journal of Forensic Sciences*. 59 (1), 123-126.
- Tontarski, R., Houck, M.*, Grose, W., and Gialamas, D. 2013. Alternative models promote self-regulation of the forensic enterprise. 2012. *Forensic Science Policy and Management* 3: 139-150.
- Maguire, C., Houck, M., Williams, R., and Speaker, P. 2012. Efficiency and the cost effective delivery of forensic science services: In-sourcing, out-sourcing, and privatization, *Forensic Science Policy and Management*, 2 (3)28-35.
- Houck, M., Fleming, S., Speaker, P., Riley, R., 2012. "The balanced scorecard: Sustainable performance assessment for forensic laboratories," *Science and Justice*, 52: 209-216.
- Crispino, F.*, Ribaux, O., Houck, M., and Margot, P. 2011. "Forensic science--A true science?" *Australian Journal of Forensic Sciences*, 43(2-3): 157-176.
- Kobus, H., Houck, M.M.*, Speaker, P., Riley, R. and Witt, T. 2011. "Managing Performance in the Forensic Sciences: Expectations in Light of Limited Budgets," *Forensic Science Policy and Management* (2): 1-8.
- Mnookin, J.*, Cole, S., Fisher, B., Houck, M., Inman, K., Kaye, D., Koehler, J., Langenburg, G., Risinger, M., Rudin, N., Siegel, J. and Stoney, D. 2010. "The need for a research culture in the forensic sciences," *University of California Law Review* (58) 725-779.
- Houck, M.M. and Boyle, J. 2010. "A content analysis of fingerprint literature for educational curricula," *Science and Justice*, 50: 123-126.
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Academic Experience

TEACHING

University of South Florida St. Petersburg

- CJE 4560 Introduction to Forensic Science
- CJE 4660 Forensic Investigations
- CJE Special Topics (Fraud) (2018)
- CJE Special Topics (Forensic Investigations) (2016)
- CJE Special Topics (Field Forensics) (2017)

Indiana University/Purdue University at Indianapolis

- Research Methods (online) (2017)

University of Tampa

- CHE 440 Forensic professionalism (2016, 2017)

American University Washington College of Law

- LAW 878 Scientific Evidence and Expert Testimony (2012)

West Virginia University

- FIDP 210 Introduction to Forensic Science (2004, 2005)
- FIDP 401 Senior Forensic Capstone (2003, 2004, 2005)
- FIDP 406 Court Testimony (2005, 2006)
- FIDP 402 Forensic Professional Communications (2008-2010)

THESIS AND DISSERTATION COMMITTEES

Chair

- Parman, E. 2011. Possible Presumptive Screening Tests Used for Synthetic Cannabinoids. MS, Forensic Sciences, National University.

Reader

- Brooks, E., 2007. An appraisal of the use of numerical features in the forensic examination of hair. MS, School of Health Sciences. University of Canberra, Australia.
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GRANTS

National Institute of Justice

- 2001-RC-CX-K003 \$17 million (Principal Investigator)
- 2003-RC-CX-K001 \$8 million (Principal Investigator)
- 2008-DN-BX-K223 \$3.57 million (Principal Investigator)

Laura and John Arnold Foundation

- \$356,000 (Project Manager)

DEA

- 2009-DI-BX-K012 \$4 million (Principal Investigator)
- 2010-DI-BX-K011 \$4 million (Principal Investigator)
- DJDEA-05-C-0036 \$127,000 (Principal Investigator)

Handout 81



UNIVERSITY OF VIRGINIA FORENSIC CLINIC
Institute of Law, Psychiatry, and Public Policy

May 29, 2019

Donna Elizabeth Tanner
Associate Director
North Carolina Innocence Inquiry Commission
Raleigh, North Carolina 27602

RE: *Merritt Williams Drayton*

Dear Ms. Tanner and colleagues:

At your request, I have completed my report on the social science of unreliable and false confessions, including the risk factors for false confessions, as they apply to the above-captioned case. As you know, I reviewed the extensive records available in Mr. Williams's case, which are summarized in the Appendix. I also met with Mr. Williams for approximately 6 hours at the Avery-Mitchell Correctional Institution on April 19, 2019. I then considered these case details in light of the well-established social science literature on false confessions, which currently includes over 100 peer-reviewed articles, book chapters, and edited volumes.

As stated above, I met with Mr. Williams for approximately 6 hours on April 19, 2019. On that date, Mr. Williams participated in a clinical interview and completed psychological testing, specifically the *Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV)*, the *ACS Word Choice Subtest*, and the *Personality Assessment Inventory (PAI)*. At the beginning of the evaluation, I informed Mr. Williams regarding the nature, scope, and purpose of the evaluation, including the relevant limits on confidentiality. After Mr. Williams was informed of the evaluation process, he indicated that he understood these arrangements and the limits to confidentiality and agreed to proceed.

This report is organized in the following way:

- I. Relevant information about Mr. Williams's background
- II. Clinical impressions based on Mr. Williams's history, current presentation, and performance on testing
- III. Summary of false confession research
- IV. Application of false confession research to Mr. Williams's case
- V. Summary and conclusions

RELEVANT BACKGROUND

Family History

Merritt Williams Drayton was born on May 5, 1958 in Harlem, New York. He reported that he was adopted but did not know of his adoption until he turned 18. He was raised by adoptive

parents in South Carolina and Georgia. After traveling through several states in his 20s, he eventually settled near Winston-Salem in the early 1980s.

Mr. Williams described his early life in positive terms overall, though he also indicated that he had few specific memories of his childhood (“I have no recollection of my childhood,” he said at the outset, and later commented that “There are whole parts of my childhood that I don’t remember”). He said that his adoptive parents raised him on a farm and consistently took care of his basic needs. He described a stronger relationship with his adoptive mother than his adoptive father. He said that his father was “alright,” but perceived they did not have “a real father-son relationship” because his father was not affectionate and he felt “distance” between them. In contrast, Mr. Williams said that his adoptive mother could be warm and affectionate—though she was also the disciplinarian in the household and doled out “whoopins”—and that they had a good relationship when he was a child.

According to Mr. Williams, he had few friends as a child and generally spent time with his older cousin (about 10 years his senior). He said that, even in high school, he spent time with an older couple (who had watched him when he was a child) rather than do activities with peers. When queried further about extracurricular activities, he recalled briefly playing the drums in school and enjoying it, but did not report any other hobbies, social activities, or close friendships in early life.

Mr. Williams reported that his adoptive father died when he (Mr. Williams) was about 10 years old. He indicated that his father’s death was likely “harder on [his] mother,” but acknowledged some difficulty in “trying to see where [he] fit in—and be the man of the house” afterwards. He stated that his mother remarried a few years later, and the family moved to Savannah, Georgia. Mr. Williams recalled that he “stayed distant” from his mother’s new husband. He elaborated, “He wasn’t cruel or anything—I just couldn’t attach to him.”

Mr. Williams indicated that his stepfather passed away a few years later, and his adoptive mother began drinking alcohol heavily. He summarized, “We couldn’t get along at all” after she started drinking, and said that they began arguing regularly. They eventually moved back to South Carolina when Mr. Williams was in the 9th grade, but by that time he had already become “distant” from her (i.e., spending time “running in the streets,” staying out late).

After Mr. Williams turned 18, a family friend informed him of the adoption and took him to meet his biological mother and half-siblings (who leaved nearby in South Carolina). He said that his mother tried to embrace him, which he disliked: “I didn’t feel a connection to her,” he said. He also met his maternal half-brothers, all of whom had been raised by their mother. Mr. Williams said that he later resided with his mother for about one year when he was 19, but that he never developed a close relationship with her or his brothers.

Educational History

Mr. Williams reported that he progressed through school at the prescribed pace without a history of significant learning problems or special education services. He said that he liked elementary school “alright” but never felt particularly engaged with the academic or social elements of school: “Part of me felt distant, like I was going through the motions,” he said. He reported that,

by the time they returned from Savannah and he was in the 9th grade, he was no longer interested in school at all and began skipping regularly (“I went in the front door and out the back,” he said). He could not recall particular grades he received, but speculated that his elementary school grades were “ok” and that his high school grades were “probably bad.” Regarding school behavior, Mr. Williams reported no history of suspension or expulsion, but indicated that he frequently skipped school. Mr. Williams said that he dropped out during the 12th grade.¹

Despite his general apathy about school, Mr. Williams reported that he had a longstanding interest, dating to childhood, of becoming an architect. He said that he enjoyed sketching and drawing and perceived that he was reasonably talented in this area. Mr. Williams indicated that, after leaving high school, he earned a scholarship to a university in Texas. He explained that he responded to television advertisement for a drawing school, submitted his drawings, and received a scholarship but never attended.

Mr. Williams reported that he resumed his education in prison, first taking engineering classes for his associate’s degree for approximately three years. He reported that he did well in these classes and felt satisfied with his progress (“That was the only time in my life I was happy,” he reflected). He said that when the program learned he had neither a high school diploma nor GED, they made him stop taking classes until he earned his GED. He indicated that he studied only briefly for the exams, failed them the first time, and passed them the second time—earning his GED in 2003 or 2004. He reported that he never resumed taking classes for his associate’s degree.

Employment History

Mr. Williams reported a work history consisting largely of short-term employment. He said that he worked on his adoptive parents’ farm during childhood, plowing fields, seeding, planting, and harvesting. He reported that, after leaving school, he traveled with a carnival for about one year. He indicated that he drove one of the buses and was responsible for setting up, cleaning, and general maintenance. Once in North Carolina, he worked in construction and remodeling, but said his work was inconsistent.²

Mr. Williams also reported that he was briefly in the National Guard during his 20s but never went to training or completed any duties because he was “getting into trouble” (described further in *Legal History*, below). He indicated that he received an honorable discharge.

¹ Notably, this is different than what he reported at his sentencing hearing in Ms. Bryson’s case. Specifically, during cross-examination he said that he and his brother graduated from high school one year early and finished “higher in their classes than anybody.”

² Again, this is different than what he reportedly told mental health professionals in the 1980s. During Mr. Williams’s sentencing hearing in July 1987, Dr. Rose testified that Mr. Williams had reported that he ran a construction company of over 100 people, had “endless job offers,” and worked as a professional fighter while doing construction work.

Once in prison on his current charges, Mr. Williams reported that he worked at the prison hospital for a couple of years.³ He indicated that he worked on a unit with terminal patients doing janitorial work, and came to enjoy his time with patients. He said, “I felt useful.” He reported that he walked off the job after one his managers was “cruel” about having to bathe a patient. Since then, Mr. Williams has reportedly worked as a janitor.

Relationship History

Mr. Williams reported that his first serious relationship began when he was 25 years old; he characterized all of his earlier relationships as “flings.” That year, he began dating a woman that he met through a friend at work. He said that they dated for about two years, and that the relationship ended because he “didn’t have that family feeling” and was “missing a connection” with her.

His next significant relationship lasted about one year. He reported that she did not drink and, therefore, his heavy alcohol consumption (described in further detail below) stressed their relationship. Similar to his first relationship, he said that this one also “felt right at the start” but as it progressed he felt that their connection was not what it should be. Mr. Williams reported that his girlfriend had a son shortly after they ended their relationship. He said that he was initially adamant that the child could not be his because the child’s skin was lighter, but has come to realize now the child could nevertheless be his biological son.

Mr. Williams reported that his final significant relationship prior to coming to prison was with Mattie Mae Davis, his romantic partner at the time of his arrest in 1986. He indicated that they “did alright” together at first, but that they “just couldn’t get settled in” over time. He reported that they were together for about one year until he went to prison for about two years (around 1983-1985). They reportedly resumed their relationship for about one year after he was released until he was arrested on his current charges. Mr. Williams said that they both drank heavily, and characterized their relationship as having several “ups and downs”—patterns of heated arguments followed by reconciling.

Mr. Williams reported that he has been in a relationship with his fiancée for about 4½ years. He explained that they met through his bunkmate. He summarized his current relationship in the following way: “It has everything in it I’ve ever wanted. She’s very sweet, and we seem to be on the same page. We can talk about everything, nothing’s off limits.”

Medical History

Mr. Williams reported that he was generally healthy throughout childhood and adolescence. He said that he was diagnosed with Lupus in the 1980s while he was in prison, and has “heart problems” for which he gives himself a Lovenox injection (i.e., a blood thinner) daily. He said that he began taking medication after he was hospitalized for blood clots while in prison. His surgical history reportedly involves varicose vein surgery and surgery to correct “hammer toes” (both in prison). He reported no history of head injuries, losses of consciousness, or seizures.

³ This is consistent with North Carolina Department of Corrections mental health records, which reference his work in the prison hospital.

Psychiatric History

When queried about mental health symptoms, Mr. Williams reported periods of low mood dating back to adolescence. When asked to describe these periods he said,

There were periods where I felt out of place. Part of me wants to attach myself to someone and part of me wants to stay in the distance. At times I try to fit in but it leads to trouble—starts off good and goes sour. So, I create things to fill in the void.

Mr. Williams said that he never sought treatment in the community because he “figured [he] could fix it [him]self.” Thus, the first time he was seen by a mental health professional was during his first prison term around age 19. He reported that he was diagnosed with “paranoid schizophrenia” but did not know why and did not recall whether he received treatment (i.e., medication or therapy). He said that, during subsequent prison terms he was diagnosed with depression and treated with Sinequan (i.e., an antidepressant). When queried about suicidal thoughts or actions, Mr. Williams reported that he attempted suicide once in jail by ingesting soap, consistent with the testimony of Dr. Rose, a psychiatrist from the Department of Corrections.

Early records from North Carolina Department of Corrections (around 1987-1989) indicate that Mr. Williams often carried a diagnosis of *depression* and was prescribed Sinequan. In the fall of 1989, Mr. Williams also reported increased anxiety and paranoid and specifically requested Navane,⁴ an antipsychotic medication, which he received. In the late 1980s, his diagnosis of depression also periodically carried the modifier “*with possible psychotic features*” or “*with psychotic features*,” though none of the records document any symptoms of psychosis.⁵

Mental health records also consistently document diagnoses and symptoms of *personality disorders*.⁶ For instance, a July 1986 competence evaluation from Dorothea Dix Hospital diagnosed Mr. Williams with a “*mixed personality disorder with antisocial, depressive, and histrionic⁷ features*.” His early correctional records consistently indicate that he has “*mixed*

⁴ The fact that Mr. Williams specifically requested this medication suggests he had been prescribed it before. Given that Navane is an antipsychotic medication, it is possible that he was prescribed it during his first prison term after being diagnosed with schizophrenia.

⁵ Psychosis is a condition characterized by a loss of contact with reality. Typically, psychosis involves hallucinations (i.e., false sensory experiences, such as hearing voices that do not exist in reality) and/or delusions (i.e., fixed, false beliefs that persist despite evidence to the contrary), and/or grossly disorganized behavior. Psychotic symptoms, are an integral part of thought disorders such as schizophrenia, but may also be associated with mood disorders, as well as delirium, drug intoxication, or medication side effects.

⁶ According to the *Diagnostic and Statistical Manual of Mental Disorders—Fifth Edition* (DSM-5), personality disorders are defined as “[A]n enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual’s culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment” (p. 645).

⁷ Histrionic personality disorder is characterized by pervasive and excessive displays of emotion and attention-seeking behavior.

personality disorder with antisocial and borderline⁸ traits.” Consistent with these personality disorders—particularly borderline personality disorder—providers documented Mr. Williams’s occasional threats of suicide and self-harm (e.g., threatening to cut off his toes), seeking help for mental health crises at the emergency room, bouts of impulsive anger (e.g., walking off a job, cursing at officers), efforts at “manipulation” (e.g., demanding specific assistance from mental health providers and leaving abruptly when it was not provided), abrupt changes in mood. Many of his behaviors (or threats) had a self-destructive quality, such as threatening to go on a hunger strike and writing to the Governor requesting a death sentence.

A psychologist and psychiatrist who evaluated Mr. Williams testified at his sentencing hearing in July 1987. In discussing Mr. Williams’s performance on personality testing, the psychologist, Dr. Warren, made the following observations:

- With respect to Mr. Williams’s responses on the Rorschach Inkblot test:
 - Mr. Williams’s responses were “indicative of a very unusual way of relating to the world.”⁹
 - When Mr. Williams attempted to describe what he saw in the Rorschach cards, he would “try to make some sense out of it and the more he talked, the less sense it made sometimes...[after a break he] could pull it together a little bit better. But again, the phenomena of the more he talked the more trouble he got into in terms of his thinking was present.”¹⁰
 - His responses were “not out of touch with reality. He started with a piece of reality; but then the more he talked the—the further afield it got...”¹¹
 - Mr. Williams’s responses were characteristic of someone who “responds quickly, who acts before they think.”¹²
- With respect to Mr. Williams pattern of responding on the MMPI-2:
 - Mr. William’s responses suggest an “unusual thinking style, this unusual way of putting together the world, not in the way of schizophrenic illness but in the way of a thinking disturbance, a cognitive misunderstanding of the world.”¹³
- During periods of stress Mr. Williams is likely to “act impulsively and do things without thinking about them.”¹⁴

⁸ Borderline personality disorder is characterized by longstanding problems with instability in self-image, relationships, intense fear of abandonment, emotional dysregulation, and self-harming/reckless, impulsive behavior.

⁹ Trial transcript, p. 520.

¹⁰ Id. at 521.

¹¹ Id. at 522-523.

¹² Id. at 523.

¹³ Id. at 526.

¹⁴ Id. at 527.

Dr. Rose also testified at Mr. Williams's sentencing hearing, and offered the following observations:

- Mr. Williams had been seen by five or six psychiatrists through Department of Corrections, "they all agreed he was very depressed."¹⁵
- Mr. Williams attempted suicide once in jail by ingesting powder soap.
- Dr. Rose characterized Mr. Williams's testimony (at the hearing) as "He ran from one thing to another in an endless series of events that are almost untraceable," which was consistent with his interview of the defendant – "much of it seemed to be fantasy and there's a lot of difficulty differentiating fantasy from reality."¹⁶
- He noted that Mr. Williams's description of his employment history was grandiose and unrealistic.
- He summarized Mr. Williams's thinking as: "[I]t's so screwy you can't quite get a handle on it. It's not crazy, he's never appeared or been seen as schizophrenic crazy, his thinking is just weird.... It's a borderline kind of thinking. It's—it's a confusion of fantasy and reality. It's—it's a distortion of what will and won't work..."¹⁷

Mr. Williams was quick to describe himself as impulsive as an adolescent and young(er) adult. He also described himself as "driven by [his] feelings," particularly anger and frustration. He reported feeling uncomfortable around people and boasting—pretending he knew facts or how to do things he did not actually know—to gain acceptance. He reported, for instance, that for several years he told people that he was in the military because he thought people might accept or look up to him if he had that background. He indicated that people who knew him at the time might say that he "try to put [him]self at the center of things" when he should not, and he acknowledged wanting to be the center of attention at times. He said, "I was trying to find my place, but I just felt out of place."

Mr. Williams reported that he continues to feel uncomfortable around others, and generally attempts to avoid much social interaction other than visits with his fiancée. He also reported ongoing difficulties with anxiety and depression. He indicated that he currently sees a psychologist approximately once a month for counseling, and is prescribed Zoloft for depression and anxiety. His most recent mental health records (2017-2018) document a diagnosis of *Major Depressive Disorder* and treatment with monthly therapy and Zoloft.

Substance Use History

Mr. Williams reported a history of alcohol use—including periods of heavy alcohol use—but no use of illegal drugs. He indicated that he first consumed alcohol around age 14. He said that, during his teenage years, he would drink with his cousin on the weekends. He reported that his drinking increased after he met his biological mother, but that he generally consumed "a couple beers" each week. He estimated that he was in his 20s the first time he was ever intoxicated.

¹⁵ Id. at 546.

¹⁶ Id. at 545.

¹⁷ Id. at 549.

His drinking increased significantly when he settled near Winston-Salem. He said that, beginning in 1981 or 1982, he began drinking nearly every day. Eventually, he was consuming alcohol daily: "I'd wake up and start drinking, and drink until about 9 pm," he said. He reported no periods of sobriety other than during periods of incarceration. When queried about problems related to alcohol use, Mr. Williams did not report serious withdrawal symptoms such as seizures. He indicated that alcohol did contribute to problems in his romantic relationships, and that one of his relationships ended due to his heavy alcohol consumption and unwillingness to stop.

Mr. Williams reported no use of illegal drugs, including marijuana, cocaine, heroin, methamphetamine, hallucinogens, or prescription drugs. He said that he "had no desire" to use them.

Legal History

Mr. Williams reported that he was first arrested as a juvenile for breaking and entering with his cousin. He estimated that he was arrested and charged on two occasions. Mr. Williams said that, as an adult, was arrested for "blowing a building up" after there was an explosion at the mill where he worked. He explained that he currently has no memories of doing anything to the building, but recalled that at least one witness placed him at the scene. He reported that he pleaded guilty and served about three years in prison. Mr. Williams said that he was next charged in the early 1980s in connection with a house fire. He explained that he and a girlfriend were renting a home and doing home improvements so that they could live there, but was adamant that he did not start or set a fire. He said that he nevertheless pleaded guilty to burning an uninhabited house and served about two years in prison.

According to the trial record in Blanche Bryson's case, Mr. Williams was also convicted of forgery in South Carolina and convicted of escape while at a work release program.

Account of Statements to Police in Arthur Wilson and Blanche Bryson Cases

Mr. Williams began his account by saying, "It starts with Mary Smith"¹⁸ and his involvement in her death. He summarized his rationale in making statements to police about the Arthur Wilson case this way:

I made up in my mind: I wouldn't let what happened to Darryl Hunt [in the Sykes case] happen to me. My thinking was, I can get out from up under it and tell [police] about a murder without being involved. But then they don't believe me unless I'm there.

He indicated that once he incriminated himself in the Arthur Wilson murder, he "just kept digging" by offering a statement in the Blanche Bryson murder. He was quick to summarize his account of statements made to police in the Wilson and Bryson cases by blaming himself and emphasizing that he was not coerced by police.

¹⁸ Mr. Williams was arrested in connection with Mary Smith's death on March 19, 1986, prior to making statements to police about Arthur Wilson or Blanche Bryson. Mr. Williams indicated that he perceived the consequences of his involvement in Mary Smith's death might be particularly severe because she was a white woman.

Regarding Arthur Wilson, Mr. Williams reported that he knew some details of the case from local news coverage and neighborhood gossip. He learned other pieces of information through leading questions asked by police, he said. For instance, he indicated that police asked him questions about what he and others hit the victim with (suggesting he needed to reference a murder weapon), whether he left the drink house with the victim (suggesting events at the drink house preceded the murder), and whether he saw a car with lights on him (suggesting the presence of a car). He said, “They were telling me a lot, all I had to do is fill in the blanks.” He reported that he elected to tell police the murder weapon was an ax handle because “it was the only thing in my house that we had” that could be a murder weapon. He did not know why (or seem to recall) that he initially told police he had not seen the ax handle since the night of the offense. When queried about the multiple statements and changing details, he recalled that police sometimes read part of his statement and replied, “It couldn’t happen like this” (or something similar), which directed him to details that needed to be changed. He added that the officers were “happy, friendly” when he offered information they liked, and “tense” or “off” when the evidence was “not lining up.”

Regarding his decision to implicate Darryl Hunt and Sammy Mitchell, he said that he knew the district attorney was interested in the two men. He said, “The DA would gripe about not being able to get Darryl Hunt or Sammy Mitchell. There was a stick he took from Sammy and kept—I saw that in an article.”¹⁹ He also reported that he heard rumors in the community that the two men were involved in Arthur Wilson’s death.

Regarding other witness statements, Mr. Williams said that he and Ms. Davis were put in a room together for a couple of hours shortly after his first statement to police. He said, “I told her what to say,” and that she “went along with it” because she was hoping that cooperating with police would allow her to get her children back (they had previously been removed from the home by Social Services). Regarding the other two witnesses who also incriminated Sammy Mitchell and Darryl Hunt (Patricia Williams and Barbara Bason), Mr. Williams reported that he gave police the names of two women who “didn’t like Sammy.” He summarized, “The police were so anxious to get the story [solved] that they allowed us to lie.”

Regarding the Blanche Bryson case, Mr. Williams said, “I read an article about it in jail. It’s a dumb thing I do—I stick myself in the middle of it.” He reported that officers took him to her home first, and pointed out salient details—he denied that he was the one who showed these details to police. Similar to the Arthur Wilson case, he indicated that he knew some details from news coverage and neighborhood conversations, and learned other information through leading questions and seeing the crime scene. Other than Sammy Mitchell (who he knew the district attorney was interested in) and Terry Smith (who was potentially connected to the victim’s son), he reported making up the names of other accomplices based on nicknames he had previously heard or the names of people he knew earlier in life.

¹⁹ There is recent email communication between NCIIC and Ken Tisdale, who recorded the responses of his father, District Attorney Tisdale, to NCIIC queries. This email indicates that D.A. Tisdale kept a stick Mitchell allegedly used in a prior crime until he left the District Attorney’s office.

CURRENT CLINICAL STATUS

Mental Status and Behavioral Observations

When I met with Mr. Williams, he presented as an adequately groomed man of medium build dressed in standard prison attire. He arrived with a rudimentary understanding of my role and the purpose of the evaluation. After he was provided a more detailed account, he expressed an accurate understanding of the evaluation parameters, and he agreed to proceed with the interview.

Mr. Williams was consistently responsive to questions and engaged easily in conversation. His statements were always clear, logical, and understandable. He answered questions in adequate depth and detail, and rarely digressed from the topics at hand or provided tangential information.

Regarding traditional indicators of mental status, there was no point at which he reported or demonstrated signs or symptoms of a psychotic disorder. For example, there was neither evidence nor report of delusions, hallucinations, or grossly disorganized behavior. He did, however, present with symptoms of depression, including self-reported low mood and poor sleep. His affect, or overall emotional tone, was generally somber and solemn. He described persistent frustration with himself and general pessimism about his life and the future. He also reported longstanding anxiety—particularly brought about by social interactions—and some more recent, reasonable stress over his upcoming NCIIC hearing. Overall, the range of his emotional expression was somewhat restricted, though he did occasionally smile or laugh in a manner that was congruent with the topic of conversation.

Interpersonally, Mr. Williams came across as quiet, open, and thoughtful. He sat forward in his chair but did not make direct eye contact much of the time, instead directing his gaze off to the side. Due to the depth and detail of his responses, as well as other indicators of engagement in the interviews (e.g., vocal tone, pleasant interpersonal style), he did not appear disengaged or uncooperative because of his limited eye contact. Instead, he came across as modest and somewhat reserved. Further, although he openly described antisocial behaviors (e.g., past offenses, alcohol abuse), his interpersonal style did not reflect the manipulative, evasive, or domineering approach typical of men with antisocial personality disorder. Nor did he demonstrate the style, common among some defendants, of denying responsibility for actions or blaming others. In fact, his tone often came across as thoughtful or reflective, such as when he critiqued some of his past behaviors. Although it is impossible to gauge the veracity of all his statements, Mr. Williams generally came across as straightforward and candid, in that the information he provided was generally consistent with collateral sources, and he sometimes placed himself in a negative light even when collateral information would not have done so.

Psychological Testing

Effort

Mr. Williams completed the ACS Word Choice subtest, a widely-accepted measure of effort in the context of cognitive testing. I also calculated an embedded measure of effort from his performance on a WAIS-IV subtest (i.e., Reliable Digit Span). His performance indicates that he

put forth adequate effort on testing such that results below are a likely to be a reasonable estimate of his actual cognitive abilities.

Cognitive Abilities

Mr. Williams completed the *Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV)*, an individually administered measure of cognitive abilities. The WAISI-IV contains four subscales assessing: verbal comprehension, perceptual (i.e., visuospatial) reasoning, working memory, and processing speed. His scores across each of these subscales were *relatively* even, suggesting that his overall Full Scale IQ (FSIQ) score is a meaningful global estimate of his intellectual abilities.²⁰ Mr. Williams's FSIQ was 88 (21st percentile), which places him at the upper end of the low average range. Put another way, 79% of same-aged peers would be expected to score higher than Mr. Williams. Mr. Williams's WAIS-IV index scores are summarized in the table below:

Index	Score	Percentile
Full Scale IQ	88	21 st
Verbal Comprehension	85	16 th
Perceptual Reasoning	90	25 th
Working Memory	92	30 th
Processing Speed	97	42 nd

As shown in the table, Mr. Williams's verbal abilities are a relative weakness. His performance on the Vocabulary subtest was in the low average range. He performed better (in the average range) on the Similarities subtest, which measures verbal abstraction by asking the examinee to describe how two words are alike. His general fund of information was very weak and fell in the borderline range.

Mr. Williams received somewhat higher scores on the perceptual subtests. He demonstrated average performance on a hands-on, timed measure of block assembly assessing visual-construction abilities (Block Design) and on a timed, abstract visual-spatial analysis task that required him to select three response options to reconstruct a given puzzle (Visual Puzzles). However, his performance on an untimed visual reasoning task (Matrix Reasoning) was in the borderline range. Collectively, Mr. Williams's perceptual reasoning abilities placed him in the 25th percentile relative to same aged peers.

Mr. Williams performed in the average range on tasks assessing his working memory, these tasks required him to recall digits in forward, backward, and sequential order (Digit Span) and mental arithmetic (Arithmetic). Similarly, he performed in the average range on two processing speed tasks, one that required visual scanning/attention (Symbol Search) and graphomotor speed (Coding).

²⁰ When there is significant variance across the four index scores (i.e., more than 23 points in between the highest and lowest scores), the FSIQ may not be a valid summary indicator of an individual's intellectual abilities.

Collectively, these results indicate: (1) below average cognitive abilities, (2) relative weaknesses in verbal abilities—particularly his fund of information—and perceptual reasoning tasks (i.e., those that require problem-solving rather than constructional abilities), and (3) relative strengths in visual-constructional abilities, short-term memory, and processing speed.

His IQ results are generally consistent with those reported in his records. Correctional records indicate that he received a FSIQ of 86 (similarly placing him in the low average range). However, his performance on testing did not yield a large difference between subtests like the one referenced in Dr. Warren's November 1986 affidavit.

Personality and Psychopathology

I administered a broad inventory of personality and psychological symptoms as a supplement to clinical interview in order to formally and efficiently screen for symptoms in a manner that allows me to compare Mr. Williams's responses to those from a large normative sample of people. This type of testing also has the important benefit of validity scales (i.e., items subtly embedded in tests that together yield scores that shed light on the examinee's approach to testing). Given these features, psychological testing is an efficient way to systematically explore the nature and severity of psychiatric symptoms, personality patterns, and other clinical concerns.

The Personality Assessment Inventory (PAI) is a 344-item self-report measure that yields a profile of scores describing psychological symptoms, emotional distress, and related clinical information. Mr. Williams completed the questionnaire at an average pace (i.e., approximately 45 minutes) and appeared attentive while doing so. The PAI includes validity scales designed to ascertain the respondent's approach to testing. Mr. Williams's response pattern suggests that he consistently and appropriately attended to item content and was not defensive or motivated to portray himself as free of common shortcomings. His responses did raise the possibility of exaggeration of symptoms, though this particular scale can also be elevated when the test-taker has an extremely negative evaluation of himself. Indices that are more sensitive to malingering specifically (i.e., *deliberate* exaggeration) were not elevated. Thus, evidence indicates that he was *not* malingering, and his results are interpretable with the caveat that that they may overestimate the severity of his symptoms. They are, however, likely to be an accurate reflection of how Mr. Williams perceives himself (i.e., he may see himself as more impaired or distressed than others see him).

Mr. Williams's pattern of responding produced significant elevations across a number of scales, most prominently: *Anxiety-Related Distress*, *Anxiety*, *Borderline Features*, *Depression*, and *Schizophrenia*. His overall pattern of responding suggests someone who is uncomfortable, impulsive, angry, and feels highly distressed. Individuals with similar profiles often have difficulty with interpersonal relationships; they often feel betrayed, abandoned, or rejected by other individuals. This can lead to a pattern of ambivalence about relationships in which the individual feels bitterness and resentment as well as dependency and anxiety about possible rejection.

Mr. Williams reported a significant degree of anxiety as well as maladaptive behaviors designed to control or manage his anxiety. He likely monitors his environment in a vigilant fashion to

avoid contact with anxiety-inducing situations. Based on his responses, he has also likely experienced a disturbing traumatic event (or events) that continues to distress him.

The elevation on the *borderline features* scale suggests that he is uncertain about major life issues and feels little sense of purpose or direction. His uncertainty likely extends to interpersonal relationships, and he is likely preoccupied by fears of being abandoned or rejected. He also reported significant symptoms of depression, consistent with his longstanding diagnosis. He likely experiences pessimism, low self-esteem, feeling of sadness, and loss of interest in pleasurable activities.

Finally, the elevation on the *schizophrenia* scale was driven by an elevation on the *social detachment* subscale (as opposed to Mr. Williams endorsing more florid psychotic experiences like hallucinations or delusions); thus his testing results do *not* suggest he meets diagnostic criteria for schizophrenia or a similar disorder. His responses suggest that he sees himself as a socially isolated individual with few close relationships. It is possible that his isolation is a way of avoiding the discomfort that close relationships elicit.

In sum, Mr. Williams's testing results are consistent with the mental health history he reported and the details documented in available records. He has significant symptoms of depression and anxiety, and an interpersonal style marked by impulsivity, diminished sense of self, social detachment, and ambivalence about interpersonal relationships.

Clinical Impressions

Records, interview, and psychological testing collectively indicate that Mr. Williams has a longstanding history of depression and personality disorder. Regarding depression, there is evidence and report of persistent low mood, thoughts of suicide and one suicide attempt, difficulty sleeping, and general pessimism about his life and his future.

The signs of personality disorder he has shown over the years all fall within the same "family" of disorders that encompass antisocial, borderline, narcissistic, and histrionic personality disorders. Specifically, individuals with this cluster of personality traits are known for being dramatic and erratic. The most prominent symptoms in Mr. Williams are those of *borderline personality disorder*.²¹ His impulsivity, history of unstable relationships, feelings of emptiness and

²¹ Formally, according to the DSM-5, the diagnostic criteria for borderline personality disorder includes: A pervasive pattern of instability of interpersonal relationships, self-image, and affects, and marked impulsivity, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

1. Frantic efforts to avoid real or imagined abandonment. (Note: do not include suicidal or self-mutilating behavior covered in Criterion 5.)
2. A pattern of unstable and intense interpersonal relationships characterized by alternating between extremes of idealization and devaluation.
3. Identity disturbances: markedly and persistently unstable self-image or sense of self.
4. Impulsivity in at least two areas that are potentially self-damaging (e.g., spending, sex, substance use, reckless driving, binge eating). (Note: do not include suicidal or self-mutilating behavior covered in Criterion 5.)

detachment from others, and reactive mood are all characteristic of this disorder. Of course, he also has symptoms of *antisocial personality disorder* based on his criminal history and underlying behaviors, and features that substantially overlap with borderline personality disorder (e.g., impulsivity, irritability). Some of his behaviors could be characterized as attention-seeking (e.g., threats of self-harm), and his self-reported desire to be the center of attention suggest features of *histrionic personality disorder*. Finally, his grandiose claims (e.g., of his educational and employment history documented in his sentencing hearing) are a feature of *narcissistic personality disorder*.

Based on mental health records and transcripts of Mr. Williams's statements from his probable cause and sentencing hearings, there is evidence of impulsivity, quickly changing emotions, intense anger, and some disorganization in his speech. Consistent with impressions of Dr. Warren and Dr. Rose (articulated at Mr. Williams's sentencing hearing), Mr. Williams's difficulty organizing his thoughts and communicating them to others did not rise to the level of a psychotic disorder, but was nevertheless a feature of his presentation.

Not surprisingly, Mr. Williams's symptoms of personality disorders were much more pronounced in the late 1980s than they are today. During the present evaluation, Mr. Williams appeared generally measured, thoughtful, and reflective. While he described feeling impulsive and a desire to be the center of attention when he was younger (consistent with certain records), those qualities are no longer prominent. The evolution of Mr. Williams's symptoms over time is generally consistent with the course of personality disorders. In general, individuals with personality disorders tend to improve with age. For instance, in the "Development and Course" section on Borderline Personality Disorder, the DSM-5 states:

The impairment from the disorder and the risk of suicide are greatest in the young-adult years and gradually wane with advancing age. Although the tendency toward intense emotions, impulsivity, and intensity in relationships is often lifelong...[d]uring their 30s and 40s, the majority of individuals with this disorder attain greater stability in their relationships and vocational functioning.²²

Finally, there is consistent evidence that Mr. Williams's IQ falls in the low average range. Though his intellectual functioning is substantially higher than a person with Intellectual Disability (formerly called mental retardation), it is nevertheless lower than a substantial majority of the population. An IQ in this range suggests that his reasoning and problem solving abilities are limited compared to the abilities of an individual with average intelligence.

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5. Recurrent suicidal behavior, gestures, or threats or self-mutilating behavior.
 6. Affective instability due to marked reactivity of mood (e.g., intense episodic dysphoria, irritability, or anxiety usually lasting a few hours and only rarely more than a few days).
 7. Chronic feelings of emptiness.
 8. Inappropriate, intense anger or difficulty controlling anger (e.g., frequent displays of temper, constant anger, recurrent physical fights).
 9. Transient, stress-related paranoid ideation or severe dissociative symptoms.

²² DSM-5, p. 665.

OVERVIEW OF FALSE CONFESSION RESEARCH

Over the past few decades, the knowledge base regarding unreliable and false confessions has expanded dramatically. Since the first wrongfully convicted person was exonerated by DNA testing in 1989, the Innocence Project has reported more than 300 post-conviction DNA exonerations. Research reveals false confessions were a contributing factor in more than 25% of these cases.²³ Of course, DNA evidence is not available in most criminal cases, and other methods have revealed the presence of false confessions in non-DNA cases,²⁴ so authorities conclude that *known* false confessions “most surely represent the tip of an iceberg.”²⁵

The well-documented DNA exonerations have prompted rigorous programs of research in the social sciences, particularly in the psychological sciences.²⁶ This voluminous literature not only documents the presence of false confessions, but also documents commonalities in known false confessions. Specifically, this widely accepted research literature documents the situational characteristics, suspect characteristics, interrogation tactics, and related features that tend to occur in known false confessions. In 2010, the volume, consistency, and implications of this research were sufficient for the American Psychology-Law Society (Division 41 of the American Psychological Association) to sponsor and approve a scientific consensus paper addressing police interrogations and confessions.²⁷ Such consensus papers are rare and issued only in situations in which there is an ample body of rigorous research that justifies formally

²³ Garrett, B. (2011). *Convicting the innocent: Where criminal prosecutions go wrong*. Cambridge, MA: Harvard University Press.

²⁴ See, e.g., Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82, 891-1008.

²⁵ Kassir, S.M., Drizin, S., Grisso, T., Gudjonsson, G., Leo, R.A., & Redlich, A. D. (2010). APLS Approved White Paper: Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior*, 34, 3-38.

²⁶ See, e.g., research summaries such as:

Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82, 891-1008.

Garrett, B. (2011). *Convicting the innocent: Where criminal prosecutions go wrong*. Cambridge, MA: Harvard University Press.

Kassir, S.M., Drizin, S., Grisso, T., Gudjonsson, G., Leo, R.A., & Redlich, A. D. (2010). APLS Approved White Paper: Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior*, 34, 3-38.

Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.

²⁷ Kassir, S.M., Drizin, S., Grisso, T., Gudjonsson, G., Leo, R.A., & Redlich, A. D. (2010). APLS Approved White Paper: Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior*, 34, 3-38.

summarizing the research and presenting clear, agreed-upon implications and recommendations for practice and policy.

A typology of false confessions has emerged through this research: (1) *voluntary false confessions*, in which individuals claim responsibility for a crime without pressure from police, (2) *compliant false confessions*, in which individuals are induced through interrogation to confess to a crime they did not commit, and (3) *internalized false confessions*, in which individuals come to believe they have committed the crime in question. There is less research on voluntary false confessions—which are often recognized as false—and more focus on the risk factors associated with the latter two types, which are sometimes conceptualized as “police-induced” false confessions.

Psychological research has revealed that a number of characteristics are associated with false confessions. Some of the most influential and consistent findings in false-confession research involve the *situational* (i.e., associated with the interrogation itself and interrogation techniques) and *dispositional* (i.e., associated with the suspect) factors underlying false confessions. *Contamination* explains how false confessions often contain rich and detailed information. Finally, the information sought out and analyzed by law enforcement is subject to *confirmation bias*, which can undermine investigative judgment and decision-making. Confirmation bias both contributes to the processes that elicit false confessions and prevents them from being recognized as such.

Situational Risk Factors

Physical Custody and Isolation

Researchers have identified a meaningful relationship between false confessions and characteristics of custody and isolation. One of the primary issues related to this risk factor is length of the interrogation. Lengthy interrogations are problematic because periods of extended stress and physical custody can exacerbate already ingrained tendencies to comply or agree with individuals in authority.

Interrogation Strategies

The interrogation process and specific interrogation strategies have been empirically linked to false confessions. Generally, law enforcement officers use a combination of strategies that *maximize* the severity of the suspect’s situation (e.g., formally accusing him of the crime, bolstering accusations with evidence, refusing to accept denials) and *minimize* the suspect’s culpability (e.g., sympathizing with the suspect or offering justification for the suspect’s behavior, proposing the suspect confess to a milder version of the crime or a lesser crime).²⁸ Much of the false confession research has focused on presentations of false evidence (a maximization strategy) and minimization broadly.

²⁸ These techniques are documented in observational studies and surveys of police officers. See, e.g., Feld, B. (2006). Police interrogations of juveniles: An empirical study of policy and practice. *Journal of Criminal Law and Criminology*, 97, 219-316; Kassir, S. et al (2007) ; Leo, R. A. (1996). Inside the interrogation room. *Journal of Criminal Law and Criminology*, 86, 266-303.

Problems associated with presentations of false evidence are drawn from known cases of false confessions and laboratory studies. Williams studies, the theme that has emerged is that suspects presented with false evidence feel “trapped by the weight of the evidence,”²⁹ and offer a false confession because they do not perceive a feasible alternative course of action.

Minimization, which is often facilitated by “theme development,” or “a process of providing moral justification or face-saving excuses, making confession seem like an expedient means of escape,”³⁰ is often present in known false confession cases and has been shown to increase the rate of false confessions in laboratory studies.³¹ From a psychological perspective, minimization capitalizes on principles of *positive reinforcement* (i.e., rewarding suspects for offering incriminating information) and *pragmatic implication* (i.e., suspects processing information “between the lines” and inferring leniency despite the lack of an explicit promise).³²

Dispositional Risk Factors

Broadly speaking, the primary dispositional risk factors for false confessions include adolescence and immaturity, cognitive and intellectual disabilities, and personality and psychopathology.

Adolescence and Immaturity

Youthfulness, in and of itself, increases the risk of false and unreliable statements. Data show that juveniles are over-represented in the population of known false confession cases.³³ Decades of well-established social science research, along with recent findings in cognitive neuroscience, have helped explain this phenomenon.

First, certain characteristics associated with youth and immaturity create a predisposition to offer false, inculpatory information. Central among these is immature decision making; adolescents’ decisions are often impulsive and heavily biased towards immediate rewards with poor future orientation or consideration of long term consequences.³⁴ The tendency for adolescents to make

²⁹ Kassin et al., (2010), p. 17. Notably, these research findings counter recommendations in some interrogation manuals.

³⁰ Kassin et al., (2010), p. 18.

³¹ See, e.g., Kassin et al., (2010); Russano, M. B., Meissner, C. A., Narchet, F. M., & Kassin, S. M. (2005). Investigating true and false confessions within a novel experimental paradigm. *Psychological Science*, 16, 481-486.

³² Kassin et al., (2010).

³³ Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82, 891-1008; National Registry of Exonerations (2012). Retrieved from <http://www.law.umich.edu/special/exoneration>

³⁴ Albert, D. & Steinberg, L. (2011). Judgment and Decision Making in Adolescence, *Journal of Research on Adolescence*, 21, 211-224; Cauffman, E. & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: Why adolescents may be less culpable than adults. *Behavioral Sciences and the Law*, 18, 741-760; Steinberg, L. & Scott, E. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist*, 58, 1009-1018.

these types of decisions is enhanced by stress. Along with the social science research on developmental immaturity, research in cognitive neuroscience has revealed that adolescents' cognitive and psychosocial deficits have a biological basis, such as under-developed and less active frontal lobes (an area of the brain associated with planning, problem-solving, and inhibiting impulsive behavior) paired with a highly active limbic system (an area of the brain associated with emotions and processing rewards).³⁵

Cognitive and Intellectual Disabilities

Intellectual impairments, such as Intellectual Disability (formerly called Mental Retardation), increase the risk of obtaining unreliable statements from interrogated suspects. Individuals with mental impairments are overrepresented in studies of official exonerations and false confessions. Individuals with intellectual disabilities are at heightened risk of making false confessions for several reasons related to the symptoms and ramifications of symptoms on interpersonal functioning. For instance, these individuals are often gullible, naïve, and acquiescent in social situations, which can lead to exploitation by others.

Personality and Psychopathology

Certain personality traits, such as suggestibility and compliance, have been linked to false confessions.³⁶ Suggestibility refers to the extent to which individuals come to accept messages that are communicated to them. In the context of interrogations, this manifests as giving in to leading questions and negative feedback. Compliance refers to an individual's tendency to acquiesce to a proposed behavior or request even if he or she does not privately agree.

Mental illness also is a recognized risk factor for both true and false confessions.³⁷ Generally, studies have noted the relationship between mental health factors/indicators (e.g., anxiety, depression, psychoticism, severity of symptoms, utilization of psychiatric medications) and false confessions.³⁸ Certain personality disorders have also been linked to false confessions.

³⁵ Baird, A. A. et al. (1999). Functional Magnetic Resonance Imaging of Facial Affect Recognition in Children and Adolescents, *Journal of the American Academy of Child and Adolescent Psychiatry*, 38, 195-199; Gogtay, N. et al., (2004). Dynamic Mapping of Human Cortical Development During Childhood Through Early Adulthood, *Proceedings of the National Academy of Sciences*, 101, 8174-8179.

³⁶ Gudjonsson, G. (2003). *The psychology of interrogations and confessions: A handbook*. Chichester, England: Wiley.

³⁷ Appelbaum, K. L. & Appelbaum, P.S. (1994). Criminal justice-related competencies in defendants with mental retardation. *Journal of Psychiatry and Law*, 22, 483-503; Drizin & Leo, 2004; Redlich, A. (2004). Mental illness, police interrogation, and the potential for false confession. *Psychiatric Services*, 55, 19-21.

³⁸ Gudjonsson, G. H. et al. (2004). Confessions and denials and the relationship with personality. *Legal and Criminological Psychology*, 9, 121-133; Gudjonsson, G. H., Sigurdsson, J. F., & Sigfusdottir, I. D. (2009). Interrogation and false confession among adolescents in seven European countries: What background and psychological variables best discriminate between false confessors and non-false confessors? *Psychology, Crime, and Law*, 15, 711-728; Redlich, A. D., Summers, A., & Hoover, S.

Specifically, personality disorders that include chronic anxiety and low self-esteem (e.g., borderline personality disorder, dependent personality disorder) seem to have a relationship with false confessions because individuals with these personality structures are often compliant.³⁹

Contamination

False confessions are often so compelling because they contain detailed information about the crime. Indeed, when law professor Brandon Garrett examined the first 250 post-conviction DNA exonerations by the Innocence Project, specifically the subset of 40 cases involving false confessions, he found that:

All but two of the forty exonerees studied told police much more than just ‘I did it.’ Instead, police said that these innocent people gave rich, detailed, and accurate information about the crime, including what police described as ‘inside information’ that only the true culprit could have known.⁴⁰

Research into the interviews and interrogations that have led to false confessions revealed that interrogators sometimes reveal details of the allegations, crime, and crime scene during the course of questioning. Thus, one of the reasons that false confessors can provide detailed information about the crime is *contamination*.⁴¹

Former Washington, D.C. homicide detective James Trainum⁴² detailed a number of ways in which law enforcement can—often inadvertently—contaminate interrogations, including:

- *Leading questions*
- *How investigators respond to suspect statements* (e.g., questioning suspects further after they provide inaccurate information, accusing suspects of lying if they provide “wrong” information, showing approval or positive reactions when a suspect provides “correct” information)
- *Sharing evidence, crime scene photos, or taking suspects to the crime scene*
- *Developing “themes” (i.e., rationales, justifications) for the offense that suggest information about the crime* (e.g., faulting homeowners for leaving the windows open, suggesting entry was not forced and made through an open window)
- *“Just out-and-out telling the suspect what he should say”*

(2010). Self-reported false confessions and false guilty pleas among offenders with mental illness. *Law and Human Behavior*, 34, 79-90.

³⁹ Gudjonsson, G. H. & Main, N. (2008). How are personality disorder’s; related to compliance? *The Journal of Forensic Psychiatry and Psychology*, 19, 180-190.

⁴⁰ Garrett, B. (2010). The substance of false confessions. *Stanford Law Review*, 62, 1051-1118.

⁴¹ Leo, R. A. (2013). Why interrogation contamination occurs. *Ohio State Journal of Criminal Law*, 11, 193-215.

⁴² Trainum, J. L. (2016). *How the police generate false confessions: An inside look at the interrogation room*. Lanham, MD: Rowman & Littlefield.

Of course, Trainum and others have noted that contamination can also come from non-police sources, including news coverage, “neighborhood gossips and the rumor mill.”⁴³

Confirmation Bias

Another component of wrongful convictions, including false confessions, is *confirmation bias*. Confirmation bias is a well-documented psychological phenomenon that affects how individuals perceive information; in brief, it reflects the human tendency to only search for evidence that *confirms* existing beliefs. A recent summary of this phenomenon states:

A wealth of evidence indicates that an observer’s expectations can impact visual and auditory perception. Although similar effects can be driven by motivation, confirmation biases are a natural and automatic feature of human cognition that can occur in the absence of self-interest and operate without conscious awareness.⁴⁴

Confirmation bias certainly influences criminal investigations, just as it influences any human endeavor. In the context of interrogations and confessions, law enforcement can become focused on a particular suspect or theory of the crime and develop “tunnel vision” that affects (1) the information they seek out and (2) how they interpret the information they receive. Thus, they may only search for evidence that incriminates a particular individual—discounting evidence that points to an alternate suspect—and interpret ambiguous information in a way that fits existing theories. Detective Trainum summarized:

Unfortunately, a major flaw exists in the way that law enforcement personnel are taught to conduct interrogations in that the methods taught actively encourage tunnel vision and confirmation bias, the conditions that cause an investigator to focus in on one theory and ignore or play down any evidence that might contradict that theory.⁴⁵

Confirmation bias likely contributes to contamination, discussed earlier. Many investigators are trained to create “hold-back details” – those details *not* known to the general public that can be used to check the validity of confessions, witness statements, anonymous tips, informant information, etc. Thus, in many cases it is likely that investigators do not intentionally reveal contaminating information. Rather, they become so convinced of a suspect’s guilt that they inadvertently share information over the course of interrogation until the suspect’s confession incorporates the proper details.⁴⁶ For instance, regarding the false confession that he elicited, Detective Trainum said:

⁴³ Trainum (2016), p. 139.

⁴⁴ Kassin, S. M., Dror, I. E., Kukucka, J. (2013). The forensic confirmation bias: Problems, perspectives, and proposed solution. *Journal of Applied Research in Memory and Cognition*, 2, 42-52. *Internal citations omitted*.

⁴⁵ Trainum (2016), p. 99.

⁴⁶ See, e.g., Kassin et al., (2013); Leo, (2013); Trainum (2016).

We had fallen into a classic trap. We believed so much in our suspect's guilt that we ignored all evidence to the contrary. To demonstrate the strength of our case, we showed the suspect our evidence, and unintentionally fed her details that she was able to parrot back to us at a later time.⁴⁷

APPLICATION OF FALSE CONFESSION RESEARCH TO MR. WILLIAMS'S CASE

In Mr. Williams's case, though extensive police records exist, there is minimal evidence of what happened during police conversations with Mr. Williams and other witnesses. There are, of course, written statements (by Mr. Williams and others), notes from officers, and official police reports—but these records are quite different than recordings or transcripts of the complete conversations that led to these statements, notes, and reports. The transcripts that do exist reflect a final narrative, which was sometimes the culmination of multiple conversations. This was a common police practice particularly in the 1980s and 1990s⁴⁸ and was employed by the Winston Salem Police Department in this era.⁴⁹ Thus, these transcripts do not reflect the information exchanged or the statements by police that led to these final suspect and witness statements.⁵⁰ The absence of recordings or transcripts of these conversations means that the ability to reach conclusions about particular police interrogation strategies or instances of contamination is limited, though reasonable inferences can sometimes be made.

Additionally, Mr. Williams's alleged false confessions began as voluntary statements to police. As reviewed above, there is less research on voluntary false confessions because they are often readily identified as false. However, based on Mr. Williams's account—which is consistent with his original statements to police in the Arthur Wilson case—he intended to volunteer information as a witness and only implicated himself in the crimes over the course of speaking with police on multiple occasions. Thus, in some respects Mr. Williams's confessions, if they are false, are compliant false confessions.

In the absence of information about details of police conversations and particular interrogation strategies, the overall *reliability* of Mr. Williams's statements can still be assessed by evaluating (1) the consistency of his statements with other evidence and (2) the consistency of his

⁴⁷ Trainum, J. (2007, September 20). I took a false confession—So don't tell me it doesn't happen! *The California Majority Report*. Notably, Detective Trainum emphasized that the process of contamination would never have been revealed if the interrogation had not been video recorded.

⁴⁸ Geller, W. A. (1992). *Police videotaping of suspect interrogations and confessions: A preliminary examination of issues and practices* (A report to the National Institute of Justice). Washington, D.C.: US Department of Justice; Sullivan, T. P. (2005). Electronic recording of custodial interrogations: Everybody wins. *Journal of Criminal Law and Criminology*, 95, 1127-1144.

⁴⁹ See depositions of Thomas Freeland, p. 43; Riley Spoon, p. 24. It should be noted that some officers indicated that they recorded entire interactions (e.g., Robert Spillman, p. 45; Jeffrey Dorn, p. 10).

⁵⁰ As noted by several researchers, this practice of only recording the final confession but not the interrogation that preceded it make the confession appear more voluntary than it might otherwise be. See, e.g., Kassir, S. M. (1997). The psychology of confession evidence. *American Psychologist*, 52, 221-233.

statements over time. Each criterion is reviewed below, first with respect to the Arthur Wilson and then with respect to the Blanche Bryson case. Evidence of potential contamination and confirmation bias is then discussed for both cases. Finally, I address suspect-related risk factors that might have made Mr. Williams particularly vulnerable to offering a false confession.

Reliability of Mr. Williams's Statements

Arthur Wilson Case

Regarding the consistency of Mr. Williams's statements with other evidence: According to police records, the original investigation into Mr. Wilson's death in September of 1983 produced only a few important pieces of information: information from two witnesses and the autopsy report. Specifically, two witnesses, Linda Walser and Ronald McGee, said that they arrived at the scene in a car, witnessed three black men standing over the victim's body,⁵¹ and chased the suspects in their car for a brief distance before losing sight of them and then returning to the victim. According to one police report, Ms. Walser also told the officer that when she and Mr. McGee followed the suspects, the suspects "ran into a fence and couldn't escape" and Mr. Walser parked the vehicle in front of a driveway such that the three suspects had to "r[u]n up beside the car." According to police reports, neither witness mentioned seeing any other cars or individuals (other than the three suspects and victim).

In comparison, the police report documenting Mr. Williams's April 11, 1986 statement references two cars; he mentioned being chased but did not clearly indicate whether he and the others were chased on foot or by someone in a vehicle (the report only states "The people in the car were chasing them"). The transcript of Mr. Williams's April 16, 1986 statement mentions only one car but states that "people got out of the car and started chasing us." Mr. Williams's statements never include details about a fence or running by the car; in some statements he only reported "cut[ting] through the yard" of a house.

The autopsy report on Mr. Wilson indicated that the cause of death was "blunt trauma to the right side of the head" and that the "wound...is consistent with a wound produced by a circular (round) object about one inch in diameter." Thus, this is generally consistent with Mr. Williams's identification of an ax handle as the murder weapon (though there was never incontrovertible evidence that the ax handle recovered from his apartment was, indeed, the murder weapon⁵²). However, the examination did not yield any findings consistent with a

⁵¹ According to the police report dated September 17, 1983 (the night of the offense) Ms. Walser and Mr. McGee saw the men "going through the pockets" of the victim; Ms. Walser also said that one of the men hit the victim with an object, but she could not identify what the object was. According to a police report dated September 29, 1983, Ms. Walser observed the men "striking and hitting" the victim and Mr. McGee saw the men "kicking and hitting" the victim in addition to going through his pockets.

⁵² According to an SBI lab report dated May 21, 1986, forensic analysis of the ax handle did not reveal any blood. The only forensic evidence introduced at trial was a fiber recovered from the ax handle that was "consistent with" fibers from the victim's pants. Additionally, more recent reviews of the autopsy report, reported in Phoebe Zerwick's June 13, 2004 article, indicate that the victim's injury could have been the result of a fall.

lengthier assault, such as bruising or lacerations on any part of his body. In comparison, Mr. Williams's statements consistently indicate that Sammy Mitchell and Darryl Hunt repeatedly hit and kicked the victim.

Mr. Williams's statements can also be compared to other witness statements from 1986. After speaking with Mr. Williams on at least three occasions, the police interviewed at least 11 other witnesses (i.e., Mr. Williams gave statements on April 9 and two on April 11, 1986; the first witnesses—other than Mattie Mae Davis—were not interviewed until April 15, 1986). Like Mr. Williams, many witnesses also identified Sammy Mitchell and Darryl Hunt as present at Clowers's drink house on the night in question, and some recalled conflict between Sammy Mitchell and the victim.⁵³ Ultimately, three witnesses reported witnessing the crime: Mattie Mae Davis (Mr. Williams's romantic partner), Patricia Williams, and Barbara Bason. Ms. Davis's account was largely consistent with Mr. Williams—though she reportedly never saw him strike or otherwise touch the victim—and she reported observing the offense from a distance of about six or eight feet. Ms. Davis's statements did not include any details about a car or other the women who also reported witnessing the offense.

Ms. Williams reported seeing “three men jump on the victim,” according to the police report, and specifically identified Sammy Mitchell as hitting the victim and Darryl Hunt as kicking the victim; she never identified the third man.⁵⁴ Her handwritten statement also notes that she saw “Sammy Mitchell hit [the victim]...all in his face and in the back of the head.” She reportedly viewed the crime from Claremont Street shortly after she and Michael Eaton⁵⁵ left the porch of Clowers's drink house. Ms. Williams's statements did not include any details about a car or the other women who also reported witnessing the offense.

Ms. Bason originally identified only Sammy Mitchell and Darryl Hunt (there is no reference to a third man) and specifically indicated that Sammy Mitchell hit the victim with an object that “appeared to be a brick” and that Darryl Hunt kicked the victim. She reported viewing the offense from a store at the intersection of 18th and Claremont streets. In her second statement, she reportedly told police she was at Clowers's “drink house” and saw Sammy Mitchell and Darryl Hunt leave with Mr. Williams, before observing Sammy Mitchell and Darryl Hunt assault the victim; she specified that the weapon was a “stick...with something black wrapped around it.” She also reportedly observed the offense from Claremont Street. Her statements did not include any details about a car or the other women who also reported witnessing the offense.

⁵³ As best I can discern, details about who left first (Sammy Mitchell and Darryl Hunt or Arthur Wilson), through which door the parties left, and when they left are inconsistent across statements.

⁵⁴ Ms. Williams gave two statements on April 16, 1986, one from 08:58 to 09:11 and one from 18:38 to 19:45. The second transcription is shorter than the first (though it seemingly took much longer to record).

⁵⁵ According to Michael Eaton's statement, he was intoxicated on the night of the offense and did not recall many details. He did not indicate observing the offense take place, but rather said that he thought he stayed in the “drink house” the whole night.

Police re-interviewed Ms. Walser and Mr. McGee on April 16, 1986, after taking statements from Mr. Williams and some of the other witnesses. Ms. Walser ultimately agreed with Detective Spillman's statement that she would "not be able to positively identify anybody." Mr. McGee was shown three sets of photographs (presumably including Sammy Mitchell, Darryl Hunt, and Mr. Williams based on earlier reports) and indicated that he did not recall any of the individuals being at the scene of Arthur Wilson's murder.

James Ford provided a different account of the offense than Mr. Williams and the witnesses from Clowers's drink house. According to the Sykes Administrative Review Committee Report, District Attorney Tisdale learned that Ford had given a statement to Darryl Hunt's private investigator regarding Arthur Wilson's death. Officers were sent to interview Ford (in a South Carolina prison) on September 9, 1986. He told officers that he had observed three black men assault the victim on Claremont Street, and observed one of the men hit Mr. Wilson with a brick.⁵⁶ After a polygraph revealed he was "lying," officers re-questioned him and he acknowledged that he did not know the object with which the perpetrators struck Arthur Wilson. He ultimately never provided a written statement.⁵⁷ When he was interviewed again on October 2, 1986, James Ford indicated that he had previously given the names of the individuals involved to Detective Belton in 1983 (these names are not documented in police records)⁵⁸ and said that he saw Arthur Wilson hit in the head with a rock.⁵⁹ Ford went on to identify photographs of Richard Wright, Donald Simmons, and Chuckie Simmons as the three men involved in Arthur Wilson's death.⁶⁰ He refused to identify which of the three men had been holding the rock, and

⁵⁶ According to statements by Patricia Baldwin and Melanie Lewis, both of whom told police that they were with James Ford on the night of Arthur Wilson's death, James Ford did not observe the murder. Notably, though, Patricia Baldwin and Melanie Lewis appeared to give conflicting accounts of Ford's location on the night in question. According to Patricia Baldwin, Ford was at her home from 11pm to 4am and never left. According to Melanie Lewis, she and Ford were together at a liquor house on 19th Street (which included using cocaine), and encountered the crime scene (with ambulance and police cars present) shortly after they left the house.

⁵⁷ According to the police report, Ford's engagement in the interview vacillated. He initially declined to be polygraphed but then changed his mind, and initially provided a written statement but then "tore the statement up in a number of small pieces." See Winston Salem Police Department files, NCIIC pp. 92-94.

⁵⁸ According to minutes from the Sykes Administrative Review Commission's closed sessions, Larry Little—a member of the Darryl Hunt Defense Committee—addressed Ford's statements as well. Little reported that he had received a phone call from Ford informing him of Darryl Hunt's innocence; Ford reportedly told Little that he had provided this information to police. Little proceeded to call Detective Belton, who reportedly said that Ford had not provided information about the Wilson case. Little said that, sometime later, Detective Belton came to his home and said that Ford *had* given him the information three years earlier (presumably in 1983). The minutes state, "He felt that some of the officers wanted to deal with the situation but that you do not against the fine blue line."

⁵⁹ From the police report documenting the October 2, 1983 interview with Ford, it is unclear whether Ford reported that he saw the murder or arrived at the scene shortly after the murder. He reportedly became upset when officers attempted to clarify the issue.

said he would do so when he testified. He reported that he would not have come forward with the information if Darryl Hunt and Sammy Mitchell had not been implicated; he stated that he “did not care anything about Merritt Drayton.”

In sum, there are inconsistencies between Mr. Williams’s statements and statements by the two original witnesses and the autopsy report. The original witnesses also did not identify Darryl Hunt, Sammy Mitchell, or Mr. Williams as being involved. These inconsistencies are far from definitive proof of a false confession, in part because he gave these statements about two and a half years following the offense. Therefore, some inconsistencies might be a product of memory fading over time. However, the nature of the inconsistencies might still be meaningful: the distinction between being chased on foot or chased by a vehicle is substantial, as is the difference between a lengthy assault (as he consistently described) versus a single wound to the head (as the autopsy report described).

Regarding the comparison between the statements of Mr. Williams and other witnesses: There are certainly consistencies between Mr. Williams’s general report of events that preceded the offense and other witnesses’ accounts of events at Clowers’s drink house, specifically conflict between Sammy Mitchell and the victim. However, only three witnesses reported actually witnessing the offense; all three specifically identified Sammy Mitchell and Darryl Hunt as the perpetrators. Only Ms. Davis and Ms. Bason reported seeing Mr. Williams with Sammy Mitchell and Darryl Hunt at the time of the offense. Finally, Mr. Williams’s account is decidedly different from James Ford’s account, which involved three other men entirely. Again, while these inconsistencies are not dispositive, they do raise questions about the reliability of Mr. Williams’s statements.

Regarding the consistency of Mr. Williams’s statements over time: Police interviewed Mr. Williams on several occasions in April 1986: April 9, April 11 (multiple times), April 16, and April 30. Over the course of these statements, details changed about Mr. Williams’s involvement in the offense, the murder weapon, and its location. Between April 9 and April 16, Mr. Williams’s statement evolved from observing the offense (April 9) to taking part by retrieving money from the victim’s pocket and hitting the victim on the back (April 11) to hitting the victim on his shoulder and arm (April 16).

Regarding the murder weapon, Mr. Williams’s originally indicated, on April 8, 1986, that he wanted to speak to police “about a guy that had been stomped to death.” By the following day, he identified the weapon as an “ax handle with black tape around one end of it,” consistent with the ax handle sometimes carried by Sammy Mitchell (as described by other witnesses). He originally (on April 9) told police that he last saw the ax handle on the night of the offense, but on April 11 told police the ax handle was located in his apartment, where officers later retrieved it.

⁶⁰ Richard Wright and Chuck Simmons had been identified in 1983 Crimestoppers tips. Neither Ms. Walser nor Mr. McGee identified the two men when shown photo lineups in 1983. Police records indicate that officers briefly interviewed Richard Wright, Chuck Simmons, and Donald Simmons, all of whom denied involvement and were perceived as cooperative.

Again, these inconsistencies are far from dispositive. For instance, it is possible that a guilty individual would initially deny involvement in an offense—as Mr. Williams did—and gradually admit greater involvement over time. The discrepancies with respect to the murder weapon raise more questions. Of course, Mr. Williams reported that he volunteered information about the ax handle because there was one in his apartment and it was the only item in his possession that had the potential to be a murder weapon.

Blanche Bryson Case

Regarding the consistency of Mr. Williams's statements with other evidence: The initial police investigation into Ms. Bryson's murder revealed the following facts: There were no signs of forced entry. Ms. Bryson had been strangled with an electrical cord, her house had been ransacked—including the fact that her television had been moved from the den area and left in the hallway—the phone was not working, a brown toboggan had been left at the scene, and her car had been stolen (with the driver reportedly having difficulties and backing onto 17th Street before speeding away, according to witnesses). Other aspects of the house and property that were documented include: The screen on the back door was ripped—though certain witnesses indicated it had been torn before the murder. The victim's family also told police that the door knobs on the kitchen door at the rear of the residence had been removed prior to the murder. Finally, there were tire tracks on the grass in the backyard, which made it appear that a car had been driven around the rear of the house in connection with the offense. Ms. Bryson's car was eventually recovered at the intersection of 21st Street and Ivy Avenue. Police recovered several fingerprints from the crime scene and car, and hair from the toboggan.

Mr. Williams provided statements to police on April 18, 21, and 24 of 1986, and July 31, 1987 (following sentencing). These statements generally included details about the victim being strangled (though he identified the weapon as “an object that looked like a rope” and the individual responsible for killing the victim changed over time, which is discussed further below), the victim's house being ransacked, the television being moved, the brown toboggan, and a car pulling up beside the house. He also noted in both that “something was funny about the door knob but [he couldn't] remember what it was.” Finally, he stated (and later retracted) that he stole lampshades from Ms. Bryson's house.

Regarding the forensic evidence: Mr. Williams's fingerprints were reportedly never matched to any of the latent prints recovered from Ms. Bryson's house or car. His hair was determined to be “consistent with” with the hairs recovered from the toboggan left at the scene.⁶¹ Regarding the

⁶¹ Recent research suggests that the hair evidence might not be particularly significant or probative. In the 2009 National Academy of Sciences report, *Strengthening Forensic Science in the United States: A Path Forward*, the summary of hair analysis notes the “imprecision of microscopic hair analysis” and “the problem with using imprecise reporting terminology.” The report goes on to say that “microscopic studies alone are of limited probative value. The committee found no scientific support for the use of hair comparisons for individualization in the absence of nuclear DNA” (pp. 160-161). The 2016 forensic science report by the President's Council of Advisors on Science and Technology (PCAST) also referenced significant “shortcomings” in hair analysis and stated that their review of papers cited by the Department of Justice in support of the discipline “do not establish the foundational validity and reliability of hair analysis” (p. 13).

lampshades: In a statement to police on April 21, 1986, Ms. Davis reported that the lampshades retrieved from their residence had come from a neighbor's house.

What sets this case apart from Arthur Wilson's case is that, one year after Mr. Williams's conviction, another individual, Robbin Carmichael, was also convicted of the murder after providing a different narrative of the offense. His narrative involved Darren Johnson as the primary perpetrator, and indicated that after Mr. Johnson had been to the victim's home and killed her, he drove to Mr. Carmichael's residence and the two of them returned to the victim's home-- reportedly to recover the television—before abandoning her car. Mr. Carmichael described Mr. Johnson driving the car in a manner consistent with original witness statements (e.g., the car stalling and backing up onto 27th Street), accurately stated where the two men had left her car, produced bags of costume jewelry that the victim's family identified as similar to items owned by Ms. Bryson, and his fingerprint was matched to the latent print recovered from Ms. Bryson's car. Mr. Carmichael's statement during his June 2018 deposition was generally consistent with his original statement.

Darren Johnson originally denied involvement in or knowledge of the murder when police spoke to him in March 1988. However, during his March 2019 interview with the North Carolina Innocence Inquiry Commission, he admitted to breaking into Ms. Bryson's home and killing her by himself. The account he provided is generally consistent with Mr. Carmichael's (though they disagreed about who went into the home after they returned to the scene together) and consistent with the evidence summarized above.

In sum, Mr. Williams's statement included many of the details about the murder and crime scene that police originally identified, and his hair was found to be "consistent with" hairs recovered from the toboggan. However, his prints were not matched to any of the latent prints recovered from the victim's home or car, and his narratives of the offense are not at all consistent with those provided by Robin Carmichael or Darren Johnson.

Regarding the consistency of Mr. Williams's statements over time: As referenced above, Mr. Williams provided statements to police on April 18 (two times), 21, and 24 of 1986, and July 31, 1987 (following sentencing). These statements differ in important respects—both in terms of the details he provides and in terms of the accomplices he names.

Small details changed between the early statements on April 18 and 21. Mr. Williams appeared to provide back-to-back statements on April 18, 1986. The second statement included details not in the first, such as: the rationale for going to the victim's home (e.g., "We were looking for anything of value because the lady who lived at the house owed Terry"), the attack on the victim (e.g., "The lady had dropped to her knees when Terry told me to go back to the bedroom and continue searching"), and pulling a car around the back of the house. In the second statement, Mr. Williams's omitted a detail about hearing "a car running over gravel" (when describing the victim coming home). Finally, after a polygraph on April 21, 1986, Mr. Williams retracted a detail about stealing lampshades from the victim's home.

There are substantial differences in the accomplices Mr. Williams identified over the course of his statements. His early statements incriminated Sammy Mitchell, Terry Smith, and "Gadget."

On April 24, 1986, Mr. Williams stated that these three men were *not* involved, but that someone named “Lou”/“Lieutenant” was.⁶² Finally, on July 31, 1987—at his sentencing hearing and during an interview afterwards—Mr. Williams identified his accomplice as George Thompson.

Contamination and Confirmation Bias

Overall, newspaper accounts from the mid-1980s suggest that police were under pressure to solve Arthur Wilson’s and Blanche Bryson’s murder (along with several other unsolved homicides). Police records indicate that both investigations had been re-activated in February 1986, about one month prior to Mr. Williams’s arrest in Mary Smith’s death. Although there is inevitably pressure to solve crimes—particularly homicides—this type of added pressure heightens the risk that cognitive biases, like confirmation bias, go unchecked.

The fact that Mr. Williams gave multiple statements in each case also raises questions about the reliability of his information. The fact that police found it necessary to take multiple statements, and the ways his statements changed over time, provided the opportunity and context for contamination.

The broader context of the investigation into Deborah Sykes’s murder is also relevant (police were re-investigating the Sykes case when Mr. Williams made statements to police about Arthur Wilson and Blanche Bryson). The Sykes Administrative Review Committee (SARC), established in the wake of Darryl Hunt’s 2004 exoneration for her rape and murder, published a report in 2007 that included a review of police practices that contributed to Hunt’s wrongful conviction. It documented that police continued to pursue Darryl Hunt and Sammy Mitchell as suspects despite blood type evidence in 1984 indicating that neither Hunt nor Mitchell’s blood type matched that of Sykes’s rapist. The report also noted concerns about the credibility of one of the state’s witnesses (Johnny Gray), including the fact that he initially identified another individual (Terry Thomas) and witness statements from 1986 suggesting that Gray could not have called police to report the offense as he claimed. Finally, the Committee concluded that officers failed to connect related cases (e.g., Regina K. in particular, and possibly Kathleen D. and Linda E.).

In sum, evidence from the SARC report suggests the presence of confirmation bias, specifically: (1) the decision to pursue Hunt (and Mitchell to a lesser extent, as he was not prosecuted) despite significant weaknesses in the evidence, and (2) the failure to pursue the possibility that other cases (e.g., Regina K.) were related to Sykes’s rape and murder. That is, once investigators developed a theory of the crime in which Hunt and Mitchell were the primary perpetrators, they overlooked or failed to appreciate evidence that suggested otherwise. Confirmation bias might also help explain more deliberate acts of wrongdoing uncovered by the Committee (e.g., falsifying evidence in search warrants)—officers might have felt justified in their actions due to their beliefs about Hunt and Mitchell’s guilt.

⁶² Mr. Williams sent a letter to police on April 19, 1986 indicating that his life and the life of his family was in danger. Thus, it is possible that he could have changed his statement in response to real or perceived threats.

A 2008 Assessment of the Winston-Salem Criminal Investigations Division and Identification Division Function⁶³ noted that SARC recommended an “independent review” of cases (by police personnel not involved in an investigation) to combat the phenomenon of “group think.” Thus, over a decade ago, SARC identified the potential for unintentional biases to influence police investigations. An independent review—when implemented well—can mitigate the possibility of confirmation bias (though the assessment noted that the department had “met the letter of that recommendation, but not its intent”).

Arthur Wilson Case

Although the interviews between law enforcement and Mr. Williams were not captured, there are suggestions of contamination and confirmation bias. First, some of the details Mr. Williams reported appeared in newspaper articles. For instance, in the April 3, 1986 edition of the Winston-Salem Chronicle, an article states: “Three witnesses in cars said they saw three black males beating, kicking, and robbing Wilson. He died of trauma to the head.”

Additionally, some of the inconsistencies in Mr. Williams’s statements at least raise the possibility that officers contaminated his account. For instance, the fact that Mr. Williams first indicated that the victim had been “stomped” to death and later stated that the murder weapon was an ax handle suggests that he learned some information—at least that there *was* a murder weapon—during the interview with police. He also incorporated details about Mr. Wilson being beaten and kicked, consistent with some of the original witness statements. Mr. Williams’s incorporation of details of a car arriving on the scene and about being chased—which were close to, but did not quite match, the original witness statements of Mr. McGee and Ms. Walser—similarly suggests that police could have asked leading questions with some incomplete information that Mr. Williams elaborated on incorrectly.

And, prior to April 30, 1986, none of Mr. Williams’s statements included information about the victim’s watch. According to police records, officers spoke with the victim’s wife on April 30, 1986, and she reported that his watch had been stolen on the night that he died. The police report indicates that this conversation took place around 4:00 pm; the report next indicates that at 4:45 pm officers received a message that Mr. Williams had requested to speak with Detective Weavil. When officers spoke to Mr. Williams later that day, he reportedly told them that that he, Sammy Mitchell, and Darryl Hunt had removed the victim’s watch and pawned it.⁶⁴

There is also potential contamination in witness accounts of the night Arthur Wilson died—many of which are generally consistent with Mr. Williams’s description of events preceding the murder. In a memorandum from a meeting on April 16, 1986, law enforcement documented seven questions to be asked of all witnesses:

1. Were you and Art Wilson present at Ezell’s house on the night that Art Wilson was killed?

⁶³ The assessment was completed by Risk Management Associates.

⁶⁴ There are also differences between Mr. Wilson’s wife’s description of the watch (A “‘big’ watch with maroon and white ‘sets’ inside of it” and a gold band) and Mr. Williams’s description of the watch (“A white face with dots”).

2. Who do you remember being in the drink house?
3. Did you see Art Wilson and Sammy Mitchell have an argument in the drink house?
4. Did you see Art Wilson leave the drink house?
5. Did you see Sammy Mitchell, Darryl Hunt, and Merrit [sic] Drayton leave the drink house?
6. Did you see anyone with a weapon at the drink house?
7. Did you see who assaulted Art Wilson in the street?

All of these questions suggest or provide some information, though some are more leading than others. References to an assault, a murder weapon, an argument, and particular individuals could have biased witness accounts. Of course, police may inevitably need to ask some leading questions during an investigation. Ideally, though, open-ended questions are asked first, and particular details are queried about later. If witnesses only recall a detail after being asked a leading question, that should be documented.

Police interactions with Patricia Williams also raise possible issues with contamination and confirmation bias. First, her handwritten statement included a detail about the victim being hit in the face that is absent from the police report. While it is certainly possible the omission simply reflects the fact that the police report is only a general summary of her account, another explanation is that confirmation bias led officers to overlook details inconsistent with the established narrative (i.e. details of the offense inconsistent with the autopsy report). Additionally, when police interviewed Patricia Williams a second time, they asked her the seven questions listed above. The second interview, which took place on the same day of the first, lasted over an hour but only generated three transcribed pages (the first interview, which lasted just over 10 minutes, generated seven transcribed pages).⁶⁵ The second statement appears more streamlined and suggests a better observation of the actual murder than the first.⁶⁶ Overall, the context of the second interview raises the possibility that confirmation bias led police to get a second statement that more clearly incriminated Sammy Mitchell and Darryl Hunt, and that her second account could have been contaminated.

Confirmation bias might have also played a role with respect to Sammy Mitchell's involvement. Evidence suggests that law enforcement did not have a particular theory of the case involving Mr. Williams until he volunteered information Mr. Wilson's death. However, police records from 1986 indicate that the victim's sister reported that a third party told her that Sammy Mitchell had bragged about committing the murder. Additionally, many of the police officers involved in Arthur Wilson and Blanche Bryson cases were aware of Sammy Mitchell and his general reputation. Nearly all of the officers who were deposed indicated that Sammy Mitchell

⁶⁵ This raises the possibility that her account was contaminated by undocumented conversation with police.

⁶⁶ For instance, in the first statement, Ms. Williams said, "And I got one glimpse, I seen them running, and the man was laying down there. ...Seen the man laying down out there...and the ambulance, the police, and everything was down there." This account suggests a limited view of the actual offense and that the police arrived almost immediately afterward, which seems inconsistent with Linda Walser and Ronald McGee's statements.

had a negative reputation in the community because of his criminal activity. Thomas Freeland, for instance, reported that “he had the reputation of being, you know, hey, he created a problem for everybody” and that “everybody was scared of him.”⁶⁷ Detective Mike Wilkins described him as “one of the most...notorious street thugs in Winston”⁶⁸ and that “he had people in the neighborhoods terrorized of him. His name alone terrorized people.”⁶⁹ Detective Wilkins also referenced Sammy Mitchell’s reputation for intimidating witnesses, and commented, “Sammy hated the police. The police wasn’t real fond of Sammy.”⁷⁰ Although officers generally denied overt or explicit pressure to arrest Sammy Mitchell—indeed, Randy Weavil described needing to take extra care during the Arthur Wilson investigation because he knew that charges against Sammy Mitchell and Darryl Hunt would be scrutinized—his general reputation had the potential to bias the investigation. Thus, police may have been quick to seek out and use information that incriminated Mr. Mitchell even if they were not deliberately attempting to do so. Indeed, two of the seven questions listed above reveal that the police were seeking out information that incriminated Sammy Mitchell.

Other police questioning also suggests the possibility of confirmation bias. As mentioned above, neither Linda Walser nor Ronald McGee, the two original eyewitnesses, identified Sammy Mitchell, Darryl Hunt, or Mr. Williams. The way that police questioned them in 1986—after they developed a narrative of the offense from Mr. Williams and others—suggests that they may have developed “tunnel vision” about the three men being involved. For instance, during Linda Walser’s 1986 interview, she provided a description of the events from the night of Arthur Wilson’s death (e.g., the fact that one individual “ran off” while two individuals appeared to be taking something from the victim, the men ended up on a property with a fence and two of the men “went ahead and looked up over the fence,” Ronald McGee had a verbal exchange with one of the men). Detective Spillman then said, “All right, Linda, what you’re saying is that, in fact, the people that you seen there around that guy was there in the road that night, you would not be able to positively identify anybody?” His summary statement did *not* reflect the content of Ms. Walser’s description—in which she did not comment on her ability to provide an identification or suggest poor recollection of the events from the night in question. This pattern continued later in the interview; Detective Spillman subsequently asked, “All you actually ever saw was the back of their heads? Is that right?” despite Ms. Walser’s statements to the contrary. Even after Ms. Walser corrected him, he persisted: “Basically, what you saw of these people was the backs of their heads. Isn’t that what you’re saying?”⁷¹ His questions reflect a skewed perception of the information she was conveying, consistent with confirmation bias.

⁶⁷ Deposition, p. 51.

⁶⁸ Deposition, p. 115.

⁶⁹ *Id.* at 116.

⁷⁰ *Id.* at 124.

⁷¹ The entire exchange between Ms. Walser and Detective Spillman can be located in the NCIC WSPD file, pp. 3042-3043.

Similarly, according to Phoebe Zerwick's 2004 newspaper article, when Ronald McGee was interviewed by police in 1986, he reportedly "thought then that police were so focused on Hunt and Mitchell that they were not interested in what he had to say." He is quoted as saying, "They could have been there, I don't know. I told the police many times that the one guy I noticed wasn't Darryl Hunt or Mitchell."

Blanche Bryson Case

As with Mr. Wilson's case, the potential for contamination came from both newspaper articles and police interviews. Some information about Ms. Bryson's murder appeared in the newspaper, including a March 3, 1986 Crimestoppers article that included details about her being "strangled," that she "apparently surprised a person or persons who were in her home," that her car was stolen, and that a car had to "pull off the side of Gilmer Avenue while Ms. Bryson's car backed into 27th Street."

And, as documented above, Mr. Williams's statements changed over time to incorporate details (e.g., the rationale for the offense) and omit others (e.g., hearing the sound of tires on gravel). Further, some of the details that made his statement consistent with known evidence were only vaguely reported (e.g., "...something was funny about the door knob but I can't remember what it was.") or involved somewhat strange explanations (e.g., Mr. Williams wearing two toboggans to the crime scene).

Pressure to solve the case is also suggested by an undated "business brief" from police records, which indicates that law enforcement proposed lying to youth to get information:

The next juvenile from that school picked up for anything—trick him—suggest that you can put him at the scene of the homicide—maybe he will roll over on the real killer—kids often know about their peers but won't tell unless under great pressure.

Thus, the broader context in which police were working during the spring of 1986 provides the potential for confirmation bias to have undermined the investigation. Instead of seeing the dramatic changes in Mr. Williams's statements (e.g., from April 18 and 21 to April 24) as causes of concern, they proceeded with the investigation and prosecution.

Mr. Williams's Vulnerability

As discussed briefly above, there are certain personality styles that leave individuals more vulnerable to offering false confessions. Some of Mr. Williams's personality characteristics, particularly those that were pronounced in his early adulthood and have softened over time, could have made him more susceptible to poor problem-solving and compliance with authority figures. Based on the present evaluation and review of historical information about his presentation in the late 1980s, Mr. Williams's personality style at the time he made statements to police included the following features: impulsivity, insecurity, and exaggerated claims about his abilities. These characteristics, along with below average intellectual abilities, indicate that his problem solving and decision making could have been hasty, imprudent, or poorly reasoned.

These qualities are *consistent with* a decision to implicate himself in two crimes that he purportedly did not commit, though they certainly are not dispositive of the issue. While his

initial reasoning in contacting police about the Arthur Wilson case, as he explains it, is understandable,⁷² the fact that he went on to implicate himself in another murder about 10 days later further underscores his impulsivity and poor judgment (regardless of whether his confession was false). Fundamentally, his decision making at the time suggests that his understanding of the realistic consequences of his actions was quite poor and that he attempted to use the same strategy—ingratiating himself with police—despite evidence that his first attempt was unsuccessful (i.e., he was charged with Arthur Wilson’s murder).

Beyond the decision to speak with police, Mr. Williams’s personality and interpersonal functioning are relevant to his behavior and decisions during interviews with police. Indeed, one of the deposed law enforcement officers indicated that Mr. Williams had a reputation for attempting to provide useful—though not necessarily truthful—information to police in an effort to help himself. Michael McCoy, who previously worked as an administrative sergeant in the detectives division of WSPD, said:

[Mr. Williams] would always call detective -- different detectives wanting to talk to him about different case, this when he was in trouble. I cautioned all of them. I said, Look, dealing with Merritt Drayton, he's a compulsive liar -- liar. He trying to benefit himself. Be sure you corroborate any information that he gives you with some type of evidence or with some other testimony from some other witness. 'Cause Merritt, from reading about him and different things, he tells the detectives -- he -- he's not a very believable person.⁷³

His eagerness to convey useful information to police could have made him a relatively pliable suspect. Indeed, one of the features of histrionic personality disorder (of which Mr. Williams’s showed some symptoms) is suggestibility. In the description of individuals with this disorder, and this particular symptom, the DSM-5 states, “Their opinions and feelings are easily influenced by others and by current fads. They may be overly trusting, especially of strong authority figures whom they see as magically solving their problems. They have a tendency to play hunches and to adopt convictions quickly.”⁷⁴

Mr. Williams could have quickly perceived that he needed to offer more information than simply witnessing Arthur Wilson’s murder. Detective Weavil and Detective Hicks recalled that, in one of the early interviews, Mr. Williams made a statement suggesting that he was more involved in the Arthur Wilson murder than he had previously revealed, and did so somewhat dramatically (such that they both remembered the moment particularly well). Detective Weavil said:

And when we started to pull away from the jail, it was kind of like where you were when Elvis died. You know -- I don't -- you may not have been alive. But I know where I was

⁷² Indeed, Robbin Carmichael seemingly had the same rationale when he volunteered information about Blanche Bryson’s murder.

⁷³ Deposition, p. 185.

⁷⁴ DSM-5, p. 669.

at. And he leaned up over the seat and said, Mr. Weavil, what are you going to do when you find out I'm involved in it?⁷⁵

Detective Hicks similarly indicated that she would “never forget” when Mr. Williams “leaned up over the seat and he says, ‘Mr. Weavil, what they gonna do when I find -- they find out I was involved in this?’”⁷⁶ This type of dramatic reveal of information is consistent the cluster of personality disorders that includes histrionic and borderline personalities. Another feature of histrionic personality disorder is attention-seeking behavior. Although Mr. Williams never explicitly stated that attention-seeking was part of his motivation for making statements in these cases, it is possible that this aspect of his personality style contributed to his decisions when speaking with police.

As discussed above in the section on interrogation strategies based on minimization, the phenomenon of *pragmatic implication* (i.e., suspects processing information “between the lines” and inferring leniency despite the lack of an explicit promise) is what often makes these strategies so powerful. Mr. Williams’s personality style, paired with pragmatic implication, might have led him to infer leniency or help, even when other individuals might not have done so. Further, his tendency to embellish his own history could have contributed to his ability and willingness to construct rich narratives of two crimes around facts revealed through the media and by police.

In sum, while Mr. Williams’s personality style does not prove or resolve the issue of his false confession claims, it certainly made him more vulnerable to offering a false confession as compared to an individual without these characteristics.

SUMMARY AND CONCLUSION

Merritt Williams Drayton is a 60-year-old man currently serving two life sentences for the murders of Arthur Wilson and Blanche Bryson. He has claimed that the statements he made to police in the spring of 1986 about his involvement in these murders were false confessions. Accordingly, the North Carolina Innocence Inquiry Commission requested an evaluation of his case in light of the well-established social science literature on false confessions.

Mr. Williams reported that he volunteered information to the police about both murders in an effort to negotiate a better outcome for his arrest in the death of Mary Smith. He indicated that he was able to make statements that were generally consistent with known details about the cases through: (1) knowledge acquired through media coverage and neighborhood gossip and (2) leading questions and other actions by police (e.g., taking him to the crime scenes).

Police records clearly show that Mr. Williams made multiple statements in each case—reflecting multiple interviews with police and opportunities for contamination. News articles from the period of these crimes indicate that police were under pressure to solve Arthur Wilson’s and Blanche Bryson’s murders (among others), and had re-activated investigations around February

⁷⁵ Deposition, p. 91.

⁷⁶ Deposition, p. 25.

1986, about a month before Mr. Williams's arrest in Mary Smith's death. The SARC report reveals compelling evidence of confirmation bias during the Sykes investigation, and police records similarly suggest that confirmation bias played a role during the Wilson and Bryson investigations.

Finally, given the recent confession of Darren Johnson (that is consistent with Robbin Carmichael's earlier statements and other evidence in the case) there is compelling evidence that Mr. Williams's statements about the Blanche Bryson murder were, indeed, false. It is reasonable to consider Mr. Williams's statements in the Wilson and Bryson cases independently. However, these events are also inextricably linked (i.e., they were close in time, involved some overlapping law enforcement personnel, and, of course, involved Mr. Williams). Thus, persuasive evidence of a false confession in one case necessarily influences the likelihood of a false confession in the other.

Of course, I cannot opine *whether* a particular confession was false; rather, I can only describe the ways in which a particular confession does, or does not, share the characteristics that tend to be common and influential in confessions known to be false. In Mr. Williams's case, I offer the opinion, for your consideration, that a number of risk factors for false confession are present in his case, specifically:

- Inconsistencies between Mr. Williams's statements and other evidence, particularly with respect to Robbin Carmichael and Darren Johnson's statements in the Blanche Bryson case.
- Inconsistencies among Mr. Williams's statements regarding the same cases.
- Multiple opportunities for contamination through serial interviews by police.
- Pressure on police to solve these crimes that likely exacerbated inevitable confirmation bias—allowing police officers to accept Mr. Williams's accounts of events even when they did not square well with other pieces of evidence.
- A personality style that made Mr. Williams more vulnerable to offering a false confession.

Please do not hesitate to contact me should you require clarification or further discussion. I can be reached at 434-297-4439. Thank you for the opportunity to work with you on this case.

Sincerely,



Sharon Kelley, J.D., Ph.D.
Clinical Psychologist
Assistant Professor of Psychiatry and Neurobehavioral Sciences
Institute of Law, Psychiatry, and Public Policy
University of Virginia School of Medicine

Appendix

1. Select DPS Mental Health Records for Mr. Williams, dated July 18, 1986 to March 6, 2018.
2. Winston-Salem Police Department Memorandum regarding Unsolved Homicides (including Arthur Wilson and Blanche Bryson), dated February 12, 1986.
3. Arthur Wilson case files:
 - a. Complaint Report, including interviews with Ronald McGee and Linda Walser, dated September 17, 1983.
 - b. Supplemental Report, including interviews with Ronald McGee and Linda Walser, dated September 29, 1983.
 - c. Autopsy Report, dated September 17, 1983.
 - d. Mr. Williams's statements
 - i. Handwritten notes from interview with Mr. Williams, dated April 9, 1986
 - ii. Handwritten notes from interview with Mr. Williams, dated April 11, 1986
 - iii. Police report documenting interview with Mr. Williams on April 11, 1986, dated April 23, 1986.
 - iv. Police report documenting interview with Mr. Williams on April 9, 1986, dated April 30, 1986.
 - v. Transcript from interview with Mr. Williams on April 16, 1986.
 - vi. Mr. Williams testimony from the probable cause hearing in Mr. Wilson's death on May 5, 1986.
 - vii. Affidavit in North Carolina v. Merritt Drayton, by Merritt Drayton, dated August 11, 1986.
 - e. Handwritten statement of Patricia Williams, dated April 15, 1986.
 - f. Transcript of interview with Linda Walser, dated April 16, 1986.
 - g. Transcript of interview with Ronald McGee, dated April 16, 1986
 - h. Transcripts of interviews with Patricia Williams on April 16, 1986 (0858-0911 and 1838-1945).
 - i. Memorandum documenting "Summary of Investigative Activity on 04-16-86 and 04-17-86," undated.
 - j. Supplemental Report by T.H. Hicks, dated April 23, 1986, documenting interviews with Mr. Williams, Mattie Mae Davis, and Patricia Williams, among others.
 - k. Supplemental Report by W. Pegram documenting interview with Barbara Bason on April 29, 1986, dated April 30, 1986.
 - l. Supplemental report by T. H. Hicks documenting interview with Barbara Bason on April 30, 1986, dated April 30, 1986.
 - m. Transcript of interview with Barbara Bason on April 30, 1986.
 - n. Handwritten letter, seemingly authored by Mr. Williams on May 5, 1986.
 - o. Memorandum of Law in Support of Defendant's Motion to Dismiss in North Carolina v. Sammy Lee Mitchell, with accompanying affidavit, dated July 1, 1986.

- p. Motion to Determine Capacity to Proceed in North Carolina v. Merritt Drayton, dated July 16, 1986.
 - q. Supplemental Report by R. A. Spillman documenting interview with James Ford on September 9, 1986, dated September 10, 1986.
 - r. Supplemental Report by T. H. Hicks documenting interview with James Ford on October 2, 1986.
 - s. NCIIC FSR of WSPD files regarding Arthur Wilson's murder, dated January 8, 2016; August 7, 2018; and August 10, 2018.
4. Blanche Bryson case files
- a. Supplemental Report by T. A. Freeland documenting interview of Mr. Williams on April 18, 1986, dated April 23, 1986.
 - b. Handwritten statements by Mr. Williams, dated April 19, 1986 (timestamps 0049 and 2:25).
 - c. Supplemental Report by T. A. Freeland documenting polygraph and interview of Mr. Williams on April 21, 1986, dated April 23, 1986.
 - d. Supplemental Report by T. H. Hicks documenting interview with Mr. Williams on July 31, 1987, dated August 1987.
 - e. Blanche Bryson Trial Transcript, testimony of Dr. Warren and Dr. Rose, undated.
 - f. Transcript of interview with Robbin Carmichael on March 9, 1988.
 - g. NCIIC Trial Transcript Summary, dated August 27, 2015 to October 26, 2015.
 - h. NCIIC FSR of WSPD files regarding Blanche Bryson's murder, dated November 21, 2017; March 9, 2018; and January 17, 2018.
5. Deborah Sykes case files
- a. Appendix 28a, remarks by Larry Little.
 - b. Sykes Administrative Review Committee (SARC) Report, dated February 2007.
 - c. NCIIC Review of Minutes from SARC Appendix 28 and Appendix 29, dated April 26, 2019.
 - d. NCIIC FSR of WSPD files regarding SARC, dated May 3, 2019.
6. Assessment of the Winston-Salem Criminal Investigations Division and Identification Division Function, dated April 7, 2008.
7. Media Coverage
- a. "3 Teen-Agers Sought in Death of Winston Man," from September 18, 1983.
 - b. Arthur Wilson's obituary, published in the Winston-Salem Journal on September 19, 1983.
 - c. "Twenty-four local murders remain unsolved," from September 20, 1984.
 - d. "Police Lack New Leads in Probe of Strangulation Murder," from January 8, 1986.
 - e. Crimestoppers article for Blanche Bryson, from March 3, 1986.
 - f. "City Police Investigate Death," (regarding Mary Smith) from March 18, 1986.
 - g. "City Man Charged," (regarding Mary Smith) from March 20, 1986.
 - h. "Police making progress on reopened murder cases," from April 3, 1986.
 - i. "Darryl Hunt is Charged in '83 Death," from April 18, 1986.

- j. "Clerk Says Man Went to Police About Murder," from April 19, 1986.
 - k. "Hunt and Two Others Charged in '83 Case," from April 20, 1986.
 - l. "Third Man in Murder Case Asks Court to Appoint Attorneys to Represent Him," from April 22, 1986.
 - m. One Crime, two verdicts: The death of Arthur Wilson by Phoebe Zerwick, published on June 13, 2004 and June 14, 2004.
8. NCIIC Investigation Files
- a. Law Enforcement Interviews:
 - i. Otis Belton, dated April 4, 2019.
 - ii. Sandra Bohland, dated April 9, 2019.
 - b. Law Enforcement Depositions:
 - i. Mike Wilkins, dated April 12, 2019.
 - ii. Thomas Freeland, dated April 15, 2019.
 - iii. Jeffrey Dorn, dated April 16, 2019.
 - iv. Teresa Hicks, dated April 16 and 17, 2019.
 - v. Ken Bishop, dated April 17, 2019.
 - vi. Randy Weavil, dated April 17, 2019.
 - vii. Riley Spoon, dated April 23, 2019.
 - viii. Robert Spillman, dated May 2, 2019.
 - ix. Michael McCoy, dated May 6, 2019.
 - x. Email correspondence from Ken Tisdale, son of D.A. Tisdale, to Catherine Matoian, dated May 9, 2019.
 - c. Merritt Williams interview audio recording (to obtain swab for DNA testing), from April 13, 2018.
 - d. Robbin Carmichael deposition, transcript and audio recording, from June 1, 2018.
 - e. Darren Johnson interview audio recording, from March 19, 2019.
 - f. Exhibits highlighted by Mr. Williams during NCIIC interviews on April 10 and 11, 2019.
 - g. Summary of NCIIC interviews with Mr. Williams during phone call with Catherine Matoian and Brian Ziegler on April 17, 2019.

CURRICULUM VITAE

Sharon Kelley, J.D., Ph.D.

University of Virginia
Institute of Law, Psychiatry, and Public Policy
1230 Cedars Court, Suite 108
Charlottesville, VA 22903
smk8n@virginia.edu

Current Positions

<i>Assistant Professor of Psychiatry and Neurobehavioral Sciences</i> University of Virginia School of Medicine Institute of Law, Psychiatry, and Public Policy, Charlottesville, VA	November 2017-Present
<i>Adjunct Faculty</i> James Madison University Department of Psychology, Harrisonburg, VA	August 2015-Present

Former Position

<i>Research Associate in Law and Forensic Psychology</i> University of Virginia Institute of Law, Psychiatry, & Public Policy, Charlottesville, VA	September 2015-October 2017
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Education

Postdoctoral Fellowship in Forensic Psychology University of Virginia School of Medicine, Charlottesville, VA/Western State Hospital, Staunton, VA	September 2015
Ph.D. Clinical Psychology, Forensic Concentration Drexel University, Philadelphia, PA.	September 2014
Predoctoral Internship: University of Massachusetts Medical School/ Worcester Recovery Center and Hospital	
J.D. Villanova University School of Law, Villanova, PA.	December 2011
M.S. Clinical Psychology, Drexel University, Philadelphia, PA.	September 2010
B.A. Psychology, St. Mary's College of Maryland, St. Mary's City, MD.	May 2006

Licensure

Licensed Clinical Psychologist, Virginia (License Number 0810005259)	July 2015-Present
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Kelley, S. & Zelle, H. (June 2018). False Confessions, false guilty pleas, and wrongful convictions: A multidisciplinary symposium presented at the University of Virginia School of Law.

Kelley, S. & Zelle, H. (March 2018). Juvenile legal competencies: Complex issues. Workshop and continuing legal education program presented at the University of Virginia Institute of Law, Psychiatry, and Public Policy.

Kelley, S. (March 2018). Case Processing at the Houston Forensic Science Center. The 25th Anniversary of *Daubert* and the Path Forward for Forensic Science in the Courts, presented at University of Virginia School of Law.

Murrie, D. & **Kelley, S.** (May 2017). Latent Print Processing. Case Processing at the Houston Forensic Science Center. Center for Statistics and Applications in Forensic Evidence Webinar.

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Messenheimer Kelley, S., Goldstein, N.E.S., Zelle, H., Brogan, L., & Johnson, S. (March 2014). Preserving Precedent or Creating a Unicorn? A Five-Year Update on *Miranda*. Paper presented at the annual conference of the *American Psychology-Law Society*, New Orleans, LA.

NeMoyer, A., **Messenheimer Kelley, S.**, Goldstein, N.E.S., Zelle, H., Yasuhara, K., Feierman, J., McKitten, R., & Shah, R.S. (March 2014). Why lawyers rarely challenge defendants' competence to plead guilty: A survey of juvenile and criminal defense attorneys. Paper presented at the annual conference of the *American Psychology-Law Society*, New Orleans, LA.

Brogan, L., **Messenheimer Kelley, S.**, Weil, J., Goldstein, N.E.S., Wolbransky, M., Nemes, S. (March 2014). Developmental Appropriateness of the DSM-V Substance-Related Disorders Criteria as applied to Justice-Involved Youth. Paper presented at the annual conference of the *American Psychology-Law Society*, New Orleans, LA.

Messenheimer Kelley, S., Hinz, H., Kelly, M., Pennacchia, D., Burkard, C., & Goldstein, N.E.S. (March 2013). Randomized Controlled Trial of JJAM: Study Design, Participant Characteristics, and Treatment Adherence and Acceptability. Paper presented at the annual conference of the *American Psychology-Law Society*, Portland, OR.

Goldstein, N.E.S., **Messenheimer Kelley, S.**, Folino, J., Meyer, E.L., Domenech, E., Lescano, M.J., & Tange, E. (March 2013). Using Country of Origin in Evaluating the Totality of the Circumstances of *Miranda* Waivers. Paper presented at the annual conference of the *American Psychology-Law Society*, Portland, OR.

Goldstein, N.E.S., Lutz, J., Scott-Sedley, M., & **Messenheimer Kelley, S.** (November 2011). Developmental Immaturity and its Impact on *Miranda*-Related Capacities and Adjudicative Competence. Talk given to the Philadelphia Defender Association, Philadelphia, PA.

Messenheimer, S., Zelle, H., Riggs Romaine, C.L., Serico, J., & Goldstein, N.E.S. (March 2010). Police strategy during interrogations of juveniles: Do different types of pressure affect the likelihood of false confessions? Paper presented at the annual conference of the *American Psychology-Law Society*, Vancouver, BC.

Messenheimer, S., Riggs Romaine, C.L., Wolbransky, M., Zelle, H., Serico, J., Wrazien, L., & Goldstein, N.E.S. (March 2009). Readability and comprehension: A comparison of the two versions of the *Miranda* rights assessment instruments. Paper presented at the annual conference of the *American Psychology-Law Society*, San Antonio, TX.

Poster presentations available upon request.

Reviewer Positions

Ad Hoc Reviewer

Law and Human Behavior
International Journal of Law, Crime, and Justice
Assessment

June 2014-Present
April 2016-Present
June 2016-Present

Clinical Experience

Institute of Law, Psychiatry, & Public Policy
Charlottesville, VA

September 2015-Present

- Conduct forensic evaluations for a range of legal issues, including competence to stand trial, mental state at the time of the offense, risk assessment, *Miranda* waivers, disputed confessions, and capital sentencing
- Supervise postdoctoral fellows in forensic psychology, forensic psychiatry fellows, and practicum students
- Provide lectures at ILPPP trainings on a range of issues (e.g., ethics in clinical and forensic practice, adjudicative competence, violence risk assessment)

Postdoctoral Fellow in Forensic Psychology

September 2014-September 2015

Institute of Law, Psychiatry, & Public Policy, University of Virginia/Western State Hospital
Charlottesville & Staunton, VA

- Conducted forensic evaluations for a range of legal issues, including competence to stand trial, mental state at the time of the offense, capital sentencing, risk assessment, and independent medical evaluations (supervisor: *Daniel Murrie, Ph.D.*)
- Conducted forensic evaluations of competence to stand trial and mental state at the time of the offense with psychiatric inpatients (supervisor: *David Rawls, Ph.D.*)
- Completed ILPPP trainings, including: *Basic Forensic Evaluation: Principles and Practice*, *Assessing Individuals Charged with Sexual Crimes*, *Violence and Aggression Assessment with Veterans*, and *Assessing Online Behavior in Forensic Evaluation*

Psychology Intern

August 2013-August 2014

University of Massachusetts Medical School/Worcester Recovery Center & Hospital
Worcester, MA

- Conducted forensic evaluations of competence to stand trial, criminal responsibility, and treatment needs (supervisor: *Carla Lourenco, Psy.D.*)
- Conducted neuropsychological assessments with patients at WRCH (supervisor: *Tony Giuliano, Ph.D.*)
- Provided psychotherapy and conducted intake and risk assessments with adolescents on the UMass Adolescent Continuing Care Unit (supervisor: *Brian Denietolis, Psy.D.*)
- Provided individual psychotherapy on an outpatient basis to clients with a range of mood and psychotic disorders (supervisor: *Debika Paul, Ph.D.*)

Psychology Practicum Student

July 2012-May 2013

Delaware Psychiatric Center

New Castle, DE Supervisors: *Patrick McGuffin, Ph.D.*; *Charlotte Selig, Psy.D.*

- Conducted court-ordered forensic evaluations and generated reports for a variety of legal issues, including competence to stand trial, mental state at the time of the offense, and treatment needs
- Provided individual therapy to clients with a wide range of mood and psychotic disorders in an inpatient setting
- Conducted initial psychological assessments with clients recently admitted to acute-care units
- Worked as part of an interdisciplinary team to provide treatment
- Collaborated with treatment mall providers to ensure that clients receive appropriate services

Psychology Practicum Student

July-2011-August 2012

Forensic Assessment Clinic

Drexel University, Philadelphia, PA Supervisor: *Kirk Heilbrun, Ph.D.*

- Conducted private and court-ordered forensic evaluations and generated reports for a variety of legal issues, including juvenile decertification, capital sentencing, federal sentencing, and independent medical evaluations

- Administered intellectual, academic, personality, and risk assessment test batteries to juvenile offenders, adult offenders, and adults on disability due to mental health problems
- Conducted collateral interviews with family members, friends, and other individuals
- Wrote integrated reports for use by forensic psychologists, lawyers, and courts
- Conducted extensive file reviews for issues of capital sentencing, federal sentencing and juvenile decertification

Co-Leader

August 2010-April 2011

Juvenile Justice Anger Management (JJAM) Treatment for Girls: Evaluation Phase

Drexel University, Philadelphia, PA Supervisor: *Naomi Goldstein, Ph.D.*

- Co-led a 16-session, manualized intervention for female juvenile offenders, aged 12-19
- Completed therapist fidelity and mental health tracking forms
- Evaluated the efficacy of a comprehensive, gender-specific anger management treatment program developed specifically for this population

Psychology Practicum Student

September 2010-June 2011

Delaware Valley Community Health, Fairmount Primary Care Center

Philadelphia, PA Supervisor: *Suzanne Daub, M.S.W.*

- Provided individual therapy and behavioral health consultations to patients in a primary care setting
- Collaborated with primary care providers regarding patients' behavior health needs
- Co-led monthly ACT-based groups for patients with chronic pain

Psychology Practicum Student

July 2009-May 2010

Albert "Bo" Robinson Treatment & Assessment Center

Trenton, NJ Supervisor: *Ralph Fretz, Ph.D.*

- Performed intake interviews with residents arriving from state Department of Corrections facilities
- Conducted interviews and assessments to determine appropriate community placement for residents
- Provided individual therapy to residents, emphasizing transition planning and relapse prevention
- Assisted with overseeing daily lectures and meetings with residents

Assessor

July 2008-April 2011

Juvenile Justice Anger Management (JJAM) Treatment for Girls: Evaluation Phase

Drexel University, Philadelphia, PA. Supervisor: *Naomi Goldstein, Ph.D.*

- Assessed female juvenile offenders in juvenile justice facilities using intellectual, academic achievement, and psychosocial measures

Research Experience

Center for Statistics and Applications in Forensic Evidence (CSAFE)

June 2015-Present

University of Virginia, Charlottesville, VA

- Assisting with the design and implementation of studies exploring human factors and bias in forensic science procedures for a National Institute of Standards and Technology (NIST)-funded center of excellence, including:
- Collaborating with crime labs to study case processing procedures and implementation of quality control measures
- Working with one of the primary proficiency testing companies to study existing testing practices, including perceived level of difficulty and similarity to demands of routine casework
- Developing a system for a cognitive bias audit of forensic science procedures in previously adjudicated cases

Dissertation

Proposed May 2012

Defended May 2014

"Addressing Relative Criteria for *Miranda* Waivers: A Comparison of Juvenile Justice Youths' and Adult Offenders' Understanding and Appreciation of the Rights to Silence and Legal Counsel during Police Interrogations"

Drexel University, Philadelphia, PA Chair: *Naomi Goldstein, Ph.D.*

- Proposed a study to compare adult offenders' and juveniles' comprehension of *Miranda* rights and generate adult norms for the *Miranda Rights Comprehension Instruments*
- Coordinated with the Philadelphia public defender's office and Philadelphia prison system to collect data from adult offenders
- Trained research assistants to conduct assessment battery and enter data
- Administered assessments to participants in the Philadelphia prison system
- Results and discussion successfully defended in May 2014

Research Coordinator

July 2013-March 2014

Attorney Perspectives on Competence to Plead Guilty

Drexel University, Philadelphia, PA Supervisor: *Naomi Goldstein, Ph.D.*

- Assisted in development of research proposal and survey to evaluate attorneys' experience raising the issue of competence to plead guilty

Research Coordinator

June 2011-October 2011

Evaluating Patient Complexity at the Norristown Regional Health Center

Delaware Valley Community Health, Norristown, PA Supervisor: *Suzanne Daub, M.S.W.*

- Assisted in development of a protocol to examine the complexity (i.e., different diagnoses and psychosocial difficulties) among the patient population at Norristown Regional Health Center
- Coded patient charts and entered data into database; trained research assistants on coding scheme and data entry
- Interpreted results and contributed to report submitted to the health center

Research Coordinator

June 2010-November 2011

Driving and Developmental Immaturity

Drexel University, Philadelphia, PA Supervisor: *Naomi Goldstein, Ph.D.*

- Assisted in preparation of R21 grant to evaluate the relationship between decision-making while driving and developmental immaturity in novice drivers
- Developed and administered a survey to collect pilot data on college students' self-reported use of cell phones while driving and developmental immaturity
- Analyzed and interpreted pilot data; reported results in grant application and conference presentations

Master's Thesis

Defended November 2009

"Juveniles' *Miranda* Comprehension: Comparing Different Versions of the Warning"

Drexel University, Philadelphia, PA Chair: *Naomi Goldstein, Ph.D.*

- Examined how juveniles' *Miranda* comprehension differed between a simpler and a more complex version of the warnings
- Analyzed and interpreted data based on a priori hypotheses
- Results and discussion presented and successfully defended in November 2009

Research Assistant

June 2008-January 2009

"Validation of the Scoring Criteria for the *Miranda* Rights Comprehension Instruments"

Drexel University, Philadelphia PA. Supervisor: *Naomi Goldstein, Ph.D.*

- Assisted in transferring the instrument into survey form

Policy Research Intern

September 2006-July 2007

"State Medicaid Policy Choices Under the Deficit Reduction Act"

Judge David L. Bazelon Center for Mental Health Law, Washington DC.

Supervisor: *Chris Koyanagi, Policy Director*

- Assisted in monitoring, compiling, and evaluating states' changes to their Medicaid programs following passage of the Deficit Reduction Act (DRA) of 2005
- Key DRA provisions that were monitored and evaluated included: expanded access to home-and-community-based-services for the elderly and disabled, opportunities for families with children with

disabilities to purchase Medicaid coverage, demonstration projects on home-and-community-based alternatives to psychiatric residential treatment facilities for children, Money Follows the Person Rebalancing demonstrations, and DRA cost-sharing changes.

Policy Research Intern

December 2006-July 2007

“Mental Health Parity in the States 2007”

Judge David L. Bazelon Center for Mental Health Law, Washington DC

Supervisor: *Chris Koyanagi, Policy Director*

- Researched and evaluated the extent to which insurance plans in the 50 states and District of Columbia provide mental health benefits in parity with benefits for physical health conditions
- Tabulated the relevant statute, covered populations, benefits, and the types of policies (e.g., group, individual, or HMO) included for each state

Senior Thesis

September 2005-May 2006

“False Confessions: The Problem and Possible Solutions”

St. Mary’s College of Maryland, St. Mary’s City, MD. Advisor: *David Finkelman, Ph.D.*

- Researched false confessions; evaluated causes based on interrogator, suspect, and interrogation characteristics
- Developed recommendations to reduce the incidence of false confessions, and to protect individuals who have given false confessions from being convicted
- Interviewed police officers from 7 counties in Maryland to evaluate common interrogation techniques and law enforcement perceptions of false confessions

Grants

Principal Investigator

“Addressing Relative Criteria for *Miranda* Waivers: A Comparison of Juvenile Justice Youths’ and Adult Offenders’ Understanding and Appreciation of the Rights to Silence and Legal Counsel during Police Interrogations”

- Dissertation Grant from the American Academy of Forensic Psychology (Funded: \$500)

Co-Investigator

“Juveniles’ Capacities to Function within Argentina’s Justice System”

- Argentina’s Federal Funding in Science and Technology (PI: J. Folino) (Funded)

Contributor to Grant Application

“Developmental Immaturity and Risky Driving in Inexperienced Drivers”

- R21, National Institute of Child Health and Human Development (PI: M. Schultheis)

Teaching Experience

Adjunct Faculty

August 2015-Present

Undergraduate Courses: Forensic Psychology, Tests and Measurement

James Madison University, Harrisonburg, VA

- Developed syllabus, created assignments, prepared and presented lectures for undergraduate courses

Instructor

April 2013-June 2013

Undergraduate Course: Child Psychopathology

Drexel University, Philadelphia, PA

- Developed syllabus, created assignments, prepared and presented lectures for an undergraduate course on child psychopathology

Guest lecturer

October 2011, January 2012, October 2012, February 2013

Juvenile Justice Seminar

University of Pennsylvania Law School, Temple University Beasley School of Law

Philadelphia, PA Instructor: *Jessica Feierman, Esq.*

- Prepared and presented lectures on adolescent development and how developmental immaturity influences juveniles' behavior during interrogations

Teaching Assistant

March 2009-June 2009

Undergraduate Course: Developmental Psychology

Drexel University, Philadelphia, PA. Supervisor: *Maureen Gibney, Psy.D.*

- Proctored Exams
- Held office hours and addressed student questions

Teaching Assistant

September 2008-December 2008

Undergraduate Course: Physiological Psychology

Drexel University, Philadelphia, PA. Supervisor: *Jennifer Gallo, Ph.D.*

- Proctored and graded exams
- Held office hours and addressed student questions
- Prepared and presented lecture on Sleep and Circadian Rhythms

Teaching Assistant

September 2008-December 2008

Undergraduate Course: Sensation and Perception

Drexel University, Philadelphia PA. Supervisor: *Michael Williams, Ph.D.*

- Prepared extra credit assignments
- Held office hours and addressed student questions

Mentorship Experience

Mentor

January 2016-May 2016

- Mentoring undergraduate student in Access Path to Psychology and Law Experience (AP) Program, funded by the American Psychology-Law Society Minority Affairs Committee

Graduate Student Mentor

June 2010-Present

Delinquency Intervention and Assessment Lab

Drexel University, Philadelphia, PA Supervisor: *Naomi Goldstein, Ph.D.*

- Assist undergraduate research assistants in developing research ideas and analyzing previously-collected data
- Mentor undergraduate research assistants in developing research proposals and preparing posters for conferences
- Collaborate with undergraduate research assistants on researching, writing, and preparing manuscripts for submission
- Mentored graduate master's thesis investigating the psychometric properties of the *Miranda Rights Comprehension Instruments* in an adult offender sample
- Mentored undergraduate senior thesis investigating the relationship between developmental immaturity, substance use, and academic performance in college students
- Mentored undergraduate senior thesis evaluating the psychometric properties of the Perceptions of Coercion During the Holding and Interrogation Process (P-CHIP), a tool designed to evaluate examinees' self-reported likelihood of offering a false confession in hypothetical interrogation situations

Additional Relevant Experience

Legal Intern

February 2012-May 2012

Federal Community Defender Office, Capital Habeas Unit

Philadelphia, PA Supervisors: *Elizabeth Larin, Esq. & David Zuckerman, Esq.*

- Researched and prepared legal memoranda on a variety of psycho-legal issues
- Assisted in identification of mental health issues in capital habeas cases

Legal Intern

September 2010-May 2011

Juvenile Law Center

Philadelphia, PA Supervisor: *Lourdes Rosado, Esq.*

- Researched and prepared legal memoranda on a variety of psycho-legal issues
- Performed background research and provided draft language for an *amicus brief* submitted in *J.D.B. v. North Carolina*, 564 U.S. ____ (2011)
- Created a database of empirical literature on several psycho-legal topics

Managing Editor of Symposia

May 2010-May 2011

Villanova Law Review

Villanova, PA

- Assisted in organizing two symposia for the law school legal community; organized staffing for events
- Edited outside articles contributed to the law review by symposia speakers
- Supervised and provided feedback to source-checkers
- Collaborated with authors on revisions to articles

Academic Honors and Awards

Scientist-Practitioner Award, University of Virginia School of Medicine Postdoctoral Fellowship Program (2015)

American Academy of Forensic Psychology Dissertation Award (2012)

Cum Laude, Villanova University School of Law (2011)

Magna Cum Laude, St. Mary's College of Maryland (2006)

Awarded the B. Jonathan Sekula Memorial Award "Established to recognize achievement in the major by a graduating senior who intends to pursue an advanced degree in psychology" (2006)

Dean's List, St. Mary's College of Maryland (2002-06)

Merit Scholarship, St. Mary's College of Maryland (2002-06)

Professional Affiliations

American Psychology-Law Society

American Psychological Association

Handout 82

**The Statement of the Forsyth County District Attorney's Office Regarding the
Innocence Claims of Merritt (Drayton) Williams**

SUMMARY:

Despite having confessed to his involvement in 3 separate murders in Winston-Salem during the 1980's, the defendant Merritt Drayton Williams is now seeking to have his confessions and convictions overturned by this body of Commissioners in 2 of those 3 cases. The following is a summary of why the Defendant Williams' confessions and convictions should not be disturbed by this body of Commissioners.

1. **In re: the murder of Blanche Bryson:** Defendant Merritt Drayton Williams (hereinafter referred to as the Defendant) originally reached out and told investigators with the Winston-Salem Police Department that he and another individual known only as "The Lieutenant" were responsible for murdering Blanche Bryson during a home invasion. Defendant said "The Lieutenant" strangled Ms. Bryson to death in his presence, and together they stole items from her home. Now, Darren Johnson has told attorneys for the Commission that he was the one that actually strangled Blanche Bryson and Johnson's DNA was also found under Blanche Bryson's fingernails. Although Johnson now claims that he acted alone, Johnson also offered that he used LSD frequently during that period of his life. It is worth noting that Defendant Williams had consistently maintained to investigators that he was only interested in breaking in and stealing items from Blanche Bryson's home and that it was someone else that actually strangled Ms. Bryson.

At Defendant's own trial for participating in the killing of Ms. Bryson while breaking into her home, during the sentencing phase, Defendant testified under oath with his two lawyers present and reiterated his involvement and remorse in the murder of Blanche Bryson and also spoke of his involvement in the murder of Arthur Wilson. **See Appendix A.**

It is entirely possible that the Defendant Williams and Darren Johnson acted in concert in the home invasion of Blanche Bryson, exited her residence following her murder and went their separate ways. It is at that point that another witness, Robbin Carmichael, believes he went back to the crime scene with Johnson, long after Defendant Williams could have left the area.

2. **In re: the murder of Arthur Wilson:** To this day, **not one single witness has recanted** what they told investigators about the Defendant's involvement in Arthur Wilson's death. The Defendant Williams, when he initially confessed to law enforcement about his involvement in the murder of Arthur Wilson, provided 12 facts to investigators that were confirmed by witnesses or evidence found at the scene. When the defendant Williams was interviewed by law enforcement officers a second time, he provided 12 additional facts that were also confirmed by witnesses or evidence found at the scene. In order to have that level of detail, it is more than reasonable to believe that the Defendant was actually at the scene of, and participated in, the crime. **Please see Appendix B.**

In fact, the Defendant Williams' girlfriend at the time, Mattie Mae Davis, has consistently maintained that she witnessed co-defendant Sammy Mitchell beating and kicking Arthur Wilson outside of a drink house while Darryl Hunt was present, and then watched as Mitchell and the Defendant Williams rummaged through the victim's pants pockets. Davis also told attorneys for the Commission that **the Defendant Williams was always a violent person.**

In fact, Davis also provided a statement to investigators when Defendant Williams killed Mary Smith by throwing her down a flight of stairs, a crime for which the Defendant would ultimately **plead guilty to one count of Involuntary Manslaughter. Interestingly enough, the Defendant does not challenge his confession or conviction in that particular case.**

The elected District Attorney at the time of the second Darryl Hunt trial, Warren Sparrow, told attorneys for the Commission that he **recalled that Defendant William's testimony was "vivid" and that Defendant Williams actually demonstrated to the jurors how he hit Arthur Wilson with the axe handle.** Sparrow also told the Commission that it took his breath away when he watched Defendant Williams testify. Defendant had already plead guilty to second degree murder for his role in the murder of Arthur Wilson. It is also worth noting that the Defendant had two respected and experienced criminal defense attorneys when he testified in the Probable Cause Hearing and when he entered his guilty plea in the Arthur Wilson case. **See Appendix C.**

Attorneys for the Commission also interviewed Dr. Pat Lantz, a medical examiner from Wake Forest Baptist Medical Center. While Dr. Lantz questioned some of the findings and credentials of Dr. McCool, who filed the original autopsy report, nonetheless, **Dr. Lantz also stated that he could not exclude the possibility that the head wound suffered by the decedent Arthur Wilson, would have been caused by the flat end of the axe handle, similar to the one taken out of Defendant Williams' residence.**

3. Finally, attorneys for the Commission, in an attempt to convince this body of Commissioners that the Defendant Williams provided false confessions in 2 of his 3 murders and subsequent confessions, have included the opinions of psychologist, Sharon Kelley who opined that the confessions made by the Defendant have the same characteristics as known false confession cases. Apparently, Kelley did no analysis of the Defendant's known true confession when Defendant murdered Mary Smith.

While there do not appear to be any cases directly on point to rely on as precedent in the North Carolina appellate courts, the U.S. Federal District Court for the Eastern District of

Virginia stated in U.S. v. Rodriguez-Soriano, 2017 U.S. Dist. LEXIS 205341, that while the 4th Circuit Court of Appeals has not directly opined on the possibility of expert testimony regarding false confessions, **the Court did state that most circuit courts directly considering the admission of expert testimony on false confessions have determined that such testimony is inadmissible.**

The Court in that opinion also went on to state that false confession expert testimony is inadmissible on the basis that “the science of false confessions is unreliable,” and “there is no ‘known or potential error rate’ that can be attributed to false confession studies.

The Court in Rodriguez-Soriano found that even if the expert’s proposed testimony was reliable, it would still fail the second requirement of the Daubert test for admissibility because the expert’s proposed testimony on false confessions would be “unhelpful to the jury, which is fully capable of assessing the truthfulness of Mr. Rodriguez-Soriano’s alleged confession.” Such expert testimony would unlawfully invade the province of the jury.

The State of North Carolina, by way of an example, when prosecuting a case where a child would be called as a witness, would be prohibited from calling an “expert witness” to testify that the child had provided truthful allegations or testimony, yet it appears that the attorneys for the Commission are attempting to use such testimony that would otherwise be prohibited in the Superior Courts of North Carolina, in attempting to convince this body that Defendant Williams’ confessions, trial testimony and convictions should not be upheld.

It is the opinion and recommendation of the Forsyth County District Attorney’s Office that this body of Commissioners should not disturb the convictions and confessions of the Defendant, Merritt Drayton Williams, in the murders of Blanche Bryson and Arthur Wilson. Those victims deserve justice, too.

IN DEPTH ANALYSIS

I. The Murder of Arthur Wilson

There is no new relevant, credible and admissible evidence that refutes the defendant's own admission of guilt to the murder of Arthur Wilson. The innocence claims of Merritt Williams are new, they are relevant, they are admissible, but they are not credible.

Merritt Drayton Williams's Statements to the Police

The Defendant Williams first contacted detectives for the Winston-Salem Police Department (WSPD) on April 9, 1986 to tell them that he had information on an unsolved murder. The WSPD did not seek him out as a suspect in this unsolved murder that occurred in September of 1983. [see attached Appendix A]. WSPD Detective Hicks had no knowledge of the Arthur Wilson case when Drayton first spoke to her at the Forsyth County Jail. In fact, Hicks had to return to the WSPD Public Safety Center (PSC) to look up the Wilson murder file so that she would have some idea of the facts of the case of which Williams was speaking. Only after she familiarized herself with the Wilson case did she conduct a more formal interview of Williams.

As is typical with the confessions of suspects, Williams gradually provided more and more information and increasingly implicated himself in the murder of Arthur Wilson. The purported expert Sharon Kelley stated that the defendant's confession has the hallmarks of other known false confessions. Sharon Kelley stated that one of the factors that leads to false confessions is the confirmation bias of the investigating officers. Therefore, if the defendant's confessions are to be found false, then Detective Hicks and others must have unduly influenced the defendant and are therefore mistaken in their sworn depositions that they did not. The District Attorney for Forsyth County holds the position that the confessions of Williams were and are truthful and that the interviewing detectives acted entirely appropriately. [see Appendix B].

The nature and pattern of Merritt Williams's confession in the Arthur Wilson case is very similar to his confession in the Mary Smith murder case. Williams was interviewed about Mary Smith's death on March 17, 1986, where he admitted being present at her death, but not to being the cause. Williams was interviewed again on March 18, 1986, and this time he confessed to be angry at Mary Smith and to pushing her down a flight of stairs, causing her death.

Merritt Drayton Williams's Statements Under Oath

Merritt Drayton Williams testified under oath on May 5, 1986 in the joined Probable Cause Hearings for himself, Darryl Hunt, and Sammie Mitchell in the matter of the Arthur Wilson homicide. The proceedings were taken down by a Court Reporter and all co-defendants were represented by counsel. Williams testified under oath, while sitting in the witness box in front of Hunt and Mitchell, whom he had accused of murder. Even then, Williams confirmed that his statements to the detectives were truthful and accurate. He was cross-examined by the attorneys for Hunt and Mitchell. Williams did not recant his confession.

Statements of Witnesses Were Consistent with Drayton's Confession

Many witnesses were questioned by WSPD detectives in 1986, including Williams's then girlfriend Mattie Mae Davis. Those witness's statements were consistent with the statements that Drayton gave to WSPD detectives. [see Appendix B]

No Witness Interviewed by the Commission Attorneys Has Recanted

The Attorneys for the Commission were able to locate several of the original witnesses in the Arthur Wilson case, including Mattie Mae Davis. Some of those witnesses could not remember what happened over thirty years ago while others could remember some of what happened. None of those witnesses recanted the statements that they gave to detectives in 1986.

Merritt Drayton Williams Pled Guilty to the Murder of Arthur Wilson

On November 18, 1986, Merritt Drayton Williams pled guilty to the lesser-included offense of Second Degree Murder for the murder of Arthur Wilson. He was represented by counsel at the time. He was placed under oath to confirm his answers to the questions in the plea transcript. [see Appendix C]. Williams signed the plea transcript agreeing to a life sentence and pleading to the murder of Arthur Wilson. He did not enter a No Contest or Alford plea. Williams entered a plea fully acknowledging his guilt. Williams was represented at the time by Charles Redden and Kevin Mauney, both experienced and esteemed criminal defense attorneys in Forsyth County.

Both of Williams's attorneys had an ethical duty to ensure that he did not plead guilty against his wishes, and that Williams did not plead guilty when both attorneys believed there was insufficient evidence to prove his guilt. Had Williams told both of his attorneys that his confessions in the Arthur Wilson case were false, both attorneys would have an ethical duty to advise him against taking the plea admitting guilt. There is no indication in the record that Williams told his attorneys that he had falsely confessed, or that his attorneys believed that Williams had falsely confessed.

Williams received the benefit of his plea offer in the Wilson case. He was not convicted for First Degree Murder, of which he was, at the very least, guilty because of his acting in concert to Felony Murder.

Williams Testified in Sentencing Phase of the Blanche Bryson Murder Trial

In early August of 1987, Williams was convicted by a jury of his peers for the First Degree Murder of Blanche Bryson. He was placed under oath and admitted to the jury to his involvement in the Arthur Wilson murder and the Blanche Bryson murder. [see Appendix A]. Just prior to this testimony, but after the guilty verdict, Williams asked to speak with Detective Hicks and again confessed to his involvement in the Blanche Bryson murder. At no time during his testimony did Williams recant the statements he made to WSPD detectives regarding the Arthur Wilson murder, even though his attorneys questioned him about it while he was on the stand. [see Appendix A].

Williams Testified in the Second Darryl Hunt Trial for the Arthur Wilson Murder

In March of 1990, Williams testified under oath, in open court, and subject to the cross-examination of the counsel representing Darryl Hunt. There is no transcript in existence for that trial because Darryl Hunt was found Not-Guilty by a Catawba County jury. Warren Sparrow was the elected District Attorney for Forsyth County at the time of that trial. Mr. Sparrow was present for that trial and supervised his assistants in its prosecution.

Mr. Sparrow has stated to attorneys for this Commission that he observed the testimony of Merritt Drayton (Williams) at that trial. He cannot recall specifics of the trial, but he was able to recall that Williams's testimony was "vivid," and that Williams actually physically demonstrated how he had hit Arthur Wilson with an axe handle. This testimony by Williams took place over three years since he had plead guilty to the murder of Wilson. Williams was still admitting his involvement under oath.

Expert Witness Houck's Opinion Not Relevant to Guilt

The attorneys for the Commission have sought the help of expert witness Houck of Forensic Science International to give an opinion as to the evidence of the fibers found in the axe handle that was seized from Williams's apartment. Williams told WSPD detectives that the stick used by himself and his co-defendants was an axe handle that Sammie Mitchell had brought with him to the drink house near where Arthur Wilson was murdered. A trace evidence expert for the State found fibers embedded in the axe handle which the expert opined were consistent with the fabric of some of the clothing of Arthur Wilson.

Mr. Houck has given the opinion that because the axe handle was found years after the crime occurred, the fibers cannot be used for comparison because of a faulty chain-of-custody of the evidence. However, any gaps in the chain -of-custody of evidence by law only go to the weight of the evidence, not the admissibility. Williams's attorneys could have argued to the jury that the gaps in the chain-of-custody made the trace evidence expert's evidence not credible and not probative of Williams's guilt. Such gaps in chain-of-custody would be scrutinized by the jury itself to determine whether or not the trace fiber evidence was credible and could assist the jury in its determination of Williams's guilt.

But this issue is entirely moot since Williams voluntarily pled guilty to the murder of Arthur Wilson, so there was no trial where attorneys could argue about the admissibility or weight to be given the evidence. Williams waived his constitutional rights to address that evidence on November 18, 1986 when he chose to plead guilty.

Forensic Pathologists Interviewed Not Inconsistent with Williams's Confessions

The attorneys for the Commission interviewed Dr. Butts, who at the time of Arthur Wilson's murder was the Deputy Chief Medical Examiner for the State of North Carolina. Dr. Butts does not remember specifically reviewing the autopsy report that was prepared by Dr. McCool. Dr. Butts was able to recount the standard procedure for the review of autopsy reports and he confirmed that he would have been the ME reviewing the report of Dr. McCool in the Arthur Wilson case. Dr. Butts stated that Dr. McCool would have sent his autopsy report to Dr.

Butts for review and approval before it was made official. Dr. Butts stated that the official final autopsy report appears to be the same as the one submitted by Dr. McCool. Dr. Butts stated that because of this, he must have had no concerns that Dr. McCool had made any significant errors or omissions in his autopsy report.

The attorneys for the Commission also interviewed Dr. Lantz, who is the senior forensic pathologist and Wake Forest Baptist Medical Center in Winston-Salem. Dr. Lantz stated that the wound that was found on the back of Arthur Wilson's head does not look like it was caused by an axe handle or other round stick. Dr. Lantz stated that it looked like an injury that could have been caused by the victim being pushed or having fallen to the ground and hitting his head on the ground, or by the victim being hit in the back of the head with a flat hard object. Dr. Lantz stated that he could not exclude the possibility that the wound could have been caused by the flat side of the head of an axe handle where the axe head itself would normally be attached.

When questioned about the fact that Dr. McCool's autopsy report stating that it found no other injuries on the body of the victim, Dr. Lantz responded, "remember that [Dr. McCool] was not a forensic pathologist." Dr. Lantz said that Dr. McCool, "may not have been looking at real small, little injuries." Dr. Lantz further stated that the victim appeared to be a dark skinned black male and that bruises were more difficult to find on the body of a dark skinned person, and were especially hard for someone who wasn't trained and had no experience in doing an autopsy of a dark skinned person. Dr. Lantz also stated that the victim's clothing could also have mitigated any injuries that might normally be caused by being beaten, kicked, and struck with an axe handle.

Neither Dr. Butts, nor Dr. Lantz can provide any opinion that contradicts the events as retold by Drayton in his multiple confessions, multiple testimonies, and the accounts of the eye witnesses. Dr. Lantz and Dr. Butts were asked to give opinions based on an autopsy report and autopsy photos that are thirty-six years old. Dr. Butts stated that the photos that were taken at the autopsy were not sufficient in number, because they didn't have digital cameras back then. Even if Dr. Butts or Lantz were able to give the opinion that the victim's head injury was definitively caused by him hitting his head on the ground, that would be consistent with Williams's statement that Sammie Mitchell "clothes-lined" Arthur Wilson, thus knocking the victim to the ground.

II. The Report and Opinion of Sharon Kelley is Unreliable and Inadmissible

The attorneys for the Commission retained the services of Sharon Kelley, who is offered as an expert in "false confessions." Federal Courts have ruled that under the Daubert standard for the admissibility of expert testimony, such reports and testimony as offered are inadmissible. In United States v. Rodriguez-Soriano, 2017 U.S. Dist. LEXIS 205341, the U.S. District Court for the Eastern District of Virginia, Alexandria Division, stated that the 4th Circuit Court of Appeals "has not directly opined on the possibility of expert testimony regarding false confessions." (Id. at pg. 5) However, the Court did state that "most circuit courts to directly consider the admission of expert testimony on false confessions have determined such testimony is inadmissible." The Court in that opinion went on to state that false confession expert testimony is inadmissible on the basis

that “the science of false confessions is unreliable,” and “there is no ‘known or potential error rate’ that can be attributed to false confession studies.” (Id. at pg. 6)

The Court in Rodriguez-Soriano found that even if the expert’s proposed testimony was reliable, which we do not concede in this case, it would still fail the second requirement of the Daubert test because the expert’s proposed testimony on false confessions would be “unhelpful to the jury, which is fully capable of assessing the truthfulness of Mr. Rodriguez-Soriano’s alleged confession.” (Id. at pg. 7) Such expert opinion would unlawfully invade the province of the jury.

There appear to be no cases decided by the North Carolina Court of Appeals or the North Carolina Supreme Court on the issue of the admissibility of experts on false confessions since the State of North Carolina changed its evidence rule on expert witnesses to be in line with the Federal Rules. Therefore, federal court decisions on the issue are persuasive as to how North Carolina courts should and would rule on the issue.

Sharon Kelley opined that one of the causes of police obtaining false confessions is that there is Confirmation Bias existing where the police know the facts, believe the suspect to be guilty, and thus unduly influence the statements of the suspect to meet the bias of the police officers. Ms. Kelley’s was retained in a case where the defendant confessed, for the purpose of determining whether or not his confessions were false, for a hearing where the defendant is claiming that his confessions are false because he is innocent. Ms. Kelley’s entire opinion is a textbook illustration of confirmation bias on her own part.

Sharon Kelley opined that the circumstances of Merritt Drayton Williams and his confessions have the hallmarks of “known false confession” cases. However, Ms. Kelley did not analyze whether or not these same circumstances also have the hallmarks of known TRUE confession cases. There is no scientific method involved here, merely a cherry-picking of subjective data.

Sharon Kelley did not address the fact that Williams pled guilty to the murder of Arthur Wilson and admitted his involvement in the murders of both Arthur Wilson and Blanche Bryson under oath. Sharon Kelley did not analyze the confession of Merritt Drayton Williams for his murder of Mary Smith; a confession that Williams does not recant.

III. The Confession and DNA Testing of Darren Johnson

Darren Johnson has confessed to strangling Blanche Bryson. His first such statement was given to attorneys for the Commission. This statement was audio recorded, but not video recorded. When asked why they did not video record the interview, staff for the Commission stated, “We’re not police.”

Attorneys for the Commission retained the services of a purported expert on false confessions who is critical of the investigative techniques of the WSPD detectives over 30 years ago. Yet the attorneys for the Commission refused to follow the basic guidelines that all police officers must follow today when conducting interviews in a murder investigation. Video recording technology is much more readily available and easy than it was in 1986. By contrast, when WSPD detectives conducted the follow-up interview of Darren Johnson, they were sure to video record the entire interview.

What is clear from both statements of Darren Johnson is that he has a vague memory of the incidents that occurred on December 10, 1985. He could not provide the detail of the incident

that Williams was able to provide when he confessed. In fact, Johnson admitted that he was on LSD at the time of the murder. The Forsyth County District Attorney's Office does not dispute the evidence that Darren Johnson may have strangled Blanche Bryson to death. The District Attorney's Office DOES dispute any argument that this new evidence exonerates Merritt Drayton Williams of his confessed involvement in the murder.

Williams never stated that he was the one that strangled the victim. He only ever stated that he was part of the break-in and participated in stealing items from the home of Blanche Bryson, and that he was present when Ms. Bryson came home and interrupted them. He also gave several different monikers to identify his accomplice. As can be seen in all the witness statements, from thirty years ago and this year, many of the people involved did not know the real names of people they saw every day. It would not be unusual for Darren Johnson to have committed a crime with an accomplice that he did not know that well, and not remember the real name of that accomplice.

Furthermore, Johnson's failure to remember the face of Merritt Drayton Williams is not shocking in the least. Over 33 years had passed since the murder when Darren Johnson made his admissions. Johnson himself has admitted to suffering mental illness. Because the initial interview was not videotaped by the attorneys for the Commission, we cannot observe Johnson's actual viewing of the Drayton's photo. The attorneys for the Commission did not seek the services of Sharon Kelley to analyze the confessions of Darren Johnson to determine whether or not Johnson was completely reliable as a witness. Thus Confirmation Bias is perfectly illustrated again.

CONCLUSION

No new evidence has been presented to undermine these convictions that would be admissible in a court of law, as shown by the following:

- Williams approached the WSPD on his own volition. The WSPD had no prior opinion as to whether Williams was as suspect in the murders of Arthur Wilson and Blanche Bryson. There can be no confirmation bias when the WSPD do not know that Williams was involved in the killings.
- Williams not only confessed, but he reiterated his confessions multiple times in hearings and trials over several years.
- Williams pled guilty while represented by two experienced and competent attorneys.
- No witnesses have recanted their earlier statements.
- Any gaps in the chain of custody for the axe handle and the fibers collected from it do not affect their admissibility according to the law.
- The opinions of the forensic pathologists are not inconsistent with the defendant's confessions.
- The proposed report, opinion, and testimony of Sharon Kelley would be inadmissible under the Rules of Evidence, given that the science is unreliable and it invades the province of the jury. The attorneys for the Commission have failed to protect against confirmation bias in their own investigation.

- The confession of Darren Johnson, who claims he was using LSD, and who currently suffers from mental illness, is not inconsistent with the guilt of the defendant pursuant to felony murder in the death of Blanche Bryson.

There is no new evidence that has been collected and presented to this Commission that supports any argument that Merritt Drayton Williams is actually innocent. The purpose of this Commission and its staff is an important one. It has noble goals, and its existence is vital to the maintenance of the public trust in our judicial system.

However, to allow a convicted murderer to decide thirty years later that he wants to deny his guilt in two of the three murders to which he confessed creates an even greater risk of the erosion in the public trust of the judicial system. The families and friends of Arthur Wilson and Blanche Bryson were told that Merritt Drayton would spend the rest of his life in prison as just punishment for the crimes that he committed. They trusted that when a defendant confessed multiple times and pled guilty to the murder of Arthur Wilson, that the justice system would honor those promises.

Thirty years ago, Merritt Drayton admitted his guilt in the murders of Arthur Wilson and Blanche Bryson; their voices silenced by his acts. The Forsyth County District Attorney's Office still speaks for those silent murdered souls. Merritt Williams is guilty of the murders of Arthur Wilson and Blanche Bryson.

Forsyth County District Attorney's Office
Prosecutorial District 31
Winston-Salem, North Carolina

APPENDIX A (page 1)

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- 22 Q. Did you talk to various persons
23 in the prison system?
24 A. Yes.
25 Q. And psychologists also?

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- 1 A. Yes, sir.
2 Q. When were you released from prison?
3 A. October 1985.
4 Q. Now, did you develop any skills while you were in
5 prison?
6 A. I took small business at Surry Community College.
7 Q. Through a correspondence course or did you --
8 A. I went over to the school. They have a subsidized
9 program for inmates and they --
10 Q. Herriott, were you involved in the murder of Arthur
11 Wilson in September -- on September 17, 1983?
12 A. Yes, sir.
13 Q. Were you eventually charged with that offense?
14 A. Yes, sir.
15 Q. When were you charged with it?
16 A. I was charged -- a warrant was served on me, I
17 believe, in April.
18 Q. Of what year?
19 A. '86.
20 Q. And were -- to your knowledge, were you a suspect in
21 that offense during the year 1983?
22 A. No, sir.
23 Q. Or 1984?
24 A. No, sir.
25 Q. 1985?

APPENDIX A (page 2)

22 about it until you brought it up?
 23 A. No, sir.
 24 Q. Now, after that time did you make other statements?
 25 A. Yes, sir.

493

1 Q. And when you made the other statements, did the
 2 officers coerce you in any way?
 3 A. Well, I -- I can't say coerce, but they seemed to
 4 have certain disbeliefs to certain people but then a belief
 5 to certain people that could have participated in the crime.
 6 Q. But they didn't attempt -- you talked to them
 7 voluntarily, didn't you?
 8 A. Yes, sir.
 9 Q. And did you hope that it might help you out on the
 10 other charge?
 11 A. On the first charge?
 12 Q. Yes, sir.
 13 A. No, sir, because I had previously already talked to
 14 my attorneys about the first charge.
 15 Q. Well, but you -- you thought that by making some
 16 statements it might help you, though?
 17 A. Certain things were said to the effect during the
 18 course of me being in and out of the jail between some
 19 people about it.
 20 Q. Merritt, how do you feel -- do you regret being
 21 involved in that murder?
 22 A. The first or second?
 23 MR. SAUNDERS: Which one?
 24 Q. The murder of Mrs. Bryson.
 25 A. It -- you can't kind of -- you can't really explain

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1 something like this because mentally it's killing me more
 2 than having to be tried. It seems that the week I sat in
 3 here there was no motion for me, but there was made of
 4 me. I guess at a certain point there was still some

APPENDIX A (page 3)

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20 Q. Merritt, how do you feel -- do you regret being
21 involved in that murder?
22 A. The first or second?
23 MR. SAUNDERS: Which one?
24 Q. The murder of Mrs. Bryson.
25 A. It -- you can't kind of -- you can't really explain

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1 something like this because mentally it's killing me more
2 than having to be tried. It seems that the week I sat in
3 here there was no emotion from me, but there was inside of
4 me. I guess at a certain point there was still some
5 unanswered questions that I didn't want to answer; but now,
6 as we have discussed it, I freely would answer to you all
7 your questions.
8 Q. Did you -- are you sorry for your involvement?
9 A. Very much so now. Well, even before because it was
10 something that could have been prevented.
11 Q. What was your involvement in the charge?
12 A. Well, certain parts of my statement I exaggerated a
13 little rather than just give them, you know, the actual
14 facts. My involvement was not so much as to commit murder
15 in this crime. It was more or less in a -- a lot of people
16 call larceny, but it's actually breaking and entering, to
17 that effect.
18 Q. In other words, when you went into Mrs. Bryson's
19 residence, did you have any intent in your mind to kill
20 anybody?
21 A. No, sir.
22 Q. Did you take a weapon in there?
23 A. No, sir. I don't carry weapons at all.
24 Q. And what did the other person do when he was in
25 there?

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1 A. Do you want me to answer it from the beginning?
2 Q. Yes, sir.

APPENDIX A (page 4)

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21 A. No, sir.
22 Q. Did you take a weapon in there?
23 A. No, sir. I don't carry weapons at all.
24 Q. And what did the other person do when he was in
25 there?

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1 A. Do you want me to answer it from the beginning?
2 Q. Yes, sir.
3 A. Well, excuse me. I have to ask the judge.
4 WITNESS: Judge, do I have to call names?
5 Q. I couldn't -- did the judge understand you?
6 COURT: Do you have a question?
7 WITNESS: Yes, sir. In this question -- we had
8 talked about it last night -- I'm going to give the complete
9 statement as true so for the jury and the family I can go
10 ahead and list the name now.
11 Q. Yes, sir.
12 A. Okay. The rightful name of the Lieutenant is George
13 Thompson. He has alias names of Williams and some more
14 names. George is approximately, I guess, 31, maybe 32 now.
15 When this whole thing started, I -- more or less it was his
16 desire to have money to pay off certain debts; and he knew
17 me, you know, quite well; and I just more or less just went
18 with him for the breaking and entering purpose only, not the
19 actual committing murder and stuff; and George took certain
20 things that I wouldn't normally carry because I don't carry
21 any knives or guns or anything. I don't, you know, carry
22 that type stuff.
23 Q. Just take your time. Just take your time. It's all
24 right.
25 A. After we were there and gained entrance to the house,

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1 George used -- well, it was considered a weapon, but I don't
2 know what you would consider it while it was in his
3 ...

APPENDIX A (page 5)

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19 actual committing murder and being the
20 things that I wouldn't normally carry because I don't carry
21 any knives or guns or anything. I don't, you know, carry
22 that type stuff.
23 Q. Just take your time. Just take your time. It's all
24 right.
25 A. After we were there and gained entrance to the house,

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1 George used -- well, it was considered a weapon, but I don't
2 know what you would consider it while it was in his
3 possession while he was doing his opening of certain
4 articles.
5 When Mrs. Bryson entered the residence, I was quite
6 away from her myself. I had no visual contact at that time
7 of her. George had already proceeded into the hallway and I
8 tried not to too much come out because there were -- my only
9 way of getting out without having to come in contact with
10 her; but when I did try to come out, George was already in
11 the process of committing that type of crime.
12 The more damaging thing that hurts me is that I
13 didn't physically touch her; but with some of the things
14 that had happened in my past, I normally exaggerate a
15 problem to the point where I could put myself in real deep;
16 and this is what happened. After George had finished, there
17 was a thing about leaving and those other things left in the
18 residence that I think that probably were overlooked. I had
19 already identified it to -- to you before and I didn't bring
20 it forth up until today.
21 Q. Did you actually remove anything from the residence
22 yourself?
23 A. No, sir. I had too much of cold fear to even touch
24 anything.
25 Q. Did you run out of the house?

485
1 A. Yeah.
2 Q. And jump in the car?

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APPENDIX B (page 1)

Arthur Wilson Murder 9/17/1983 - Witnesses APPENDIX B

RED: Key Witnesses

GREEN: Witnesses from the Mary Smith murder case

Last name	First name	Date of Interview	Interviewed By	Positive ID	How ID?	Miscellaneous Notes / Observations
McGee	Ronald	9/17/1983 4/16/1986	S. Bohland, E. Peters Spillman			found victim, called EMS saw 3 b/m rummaging thru victim's pockets
Walser	Linda	9/17/1983 4/16/1986	S. Bohland, E. Peters, M. Wilkins Spillman			was a passenger in car with Ronald McGee saw 3 b/m go thru victim pockets and run saw an unknown object in one of suspects hands
Clowers	Ezelle	9/17/1983 4/15/1986	S.A. Hairston Weavil, Spoon, Spillman			knew victim at drink house Mitchell had stick, recognized axe handle
Allen	Wilbert	6/15/2004	G. Dorn			said WSPD on track with investigation. No weapon at scene.
Lewis	Melanie	10/8/1986	Hicks, Weavil			bartender, left house & saw victim in street denies Ford was present
Speaks	Dennis	9/23/1986	Crump			claimed Hennie Pope witnessed murder she said Darryl Hunt, Sammy Mitchell killed victim
Black	Rose Marie	8/21/1986	Hicks			former girlfriend of Sammy Mitchell, at house next day heard people say Mitchell, Hunt, "Junior" killed man
Clowers, Jr	John	9/17/1983 8/23/1986 8/26/1986	S. Hairston Hicks, Weavil Hicks			was at house, knew Wilson buying drinks SM, DH asked victim to buy, refused, Mitchell angry described axe handle with black tape Mitchell told Wilson he would get him
Pate	James	5/15/1986	Hicks			present - remembers Elnora Peoples & Milton Peoples present
Thompson	Melvin	6/5/1986	Hicks			victim son, on scene next day- saw SM, DH, walking nearby Mitchell swinging large stick Positive axe recovered was the same stick
Davis	Mattie	4/11/1986	Hicks, Weavil	Yes Yes	Line Up girlfriend of MD	saw Sammy Mitchell assault victim, saw Darryl Hunt standing over victim saw Merritt Drayton with them, left scene picked out SM, DH from line up Elnora "Hairston", Milton Peoples, Paul Landingham present

APPENDIX B (page 2)

Arthur Wilson Murder 9/17/1983 - Witnesses APPENDIX B

RED: Key Witnesses

GREEN: Witnesses from the Mary Smith murder case

Last name	First name	Date of Interview	Interviewed By	Positive ID	How ID?	Miscellaneous Notes / Observations
Landingham	Paul	4/15/1986	Hicks, Weavil, Spillman			present - P. Williams, Mattie Davis, DH, SM, (Ezelle wife) Edith Davis
Williams	Patricia	4/15/1986	Hicks			present - Jerry Roan, Michael Eaton victim bought drinks and refused to buy Mitchell's saw 3 men assault victim - SM, DH, "another / unknown" Mitchell used stick, Hunt Kicked, unknown what actions by 3rd party picked out SM, DH from line up
		4/16/1986				
Peoples	Elnora	4/15/1986	Hicks, T. Freeland	Yes	Line Up	present - bar tender, victim flashing \$, refused to buy for SM, DH saw victim leave, SM, DH left after victim did not see assault, but said P. Williams came back and said victim killed picked out SM, DH, from line up picked out Merritt Drayton as present at house
Peoples	Milton	4/15/1986	Spillman, Weavil	Yes	Line Up	present - recognized axe handle as the one he saw with SM on night of murder picked out SM, DH, and Merritt Drayton from lineups as present at house
Roan	Jerry	4/16/1986	Hicks, Spoon	Yes	Line Up	saw victim buy drinks, saw Sammy Mitchell, Darryl Hunt leave after victim knew Sammy Mitchell, Darryl Hunt left angry due to not buying drinks picked Sammy Mitchell, Darryl Hunt, and Merritt Drayton as present at house
Eaton	Michael	4/17/1986	Hicks, Weavil	Yes	Line Up	Present. He stated that Landingham, M. Davis, "Junior" , DH, SM, Milton Peoples and Patricia Williams were present also. Michael Eaton also picked SM, DH, Drayton from line-ups as present. However, Michael Eaton did not witness the assault.
Spillman	Sgt. Robert	4/8/1986	Spillman Freeland, Spillman			said Drayton Mitchell contacted him to say he had information
Jones	Robert	4/25/1986	Hicks, Spillman			present at drink house, knew "Junior" was at house knew other witnesses - Landingham, Mattie Davis, Edith Davis, DH, SM
Bason	Barbara Jean	4/29/1986 4/30/1986	J. Pegram Weavil, Spillman			present - DH. SM, "Junior" , Larry Scales, Robert Jones, heard Mitchell plan robbery saw victim assaulted, SM had stick with black on handle prior to saw victim leave front door, suspects leave back door (different exits)
Richardson	Joseph	4/13/1986	Spillman, Weavil			present - saw SM, DH, "Junior" in drink house saw victim and suspects leave - different doors
Jackson	Peggy Jean	4/30/1986	Spillman, Weavil			knew - Joseph Richardson, Sammy Mitchell, Mattie Mae, Paul, Larry Jackson
Griffin	Elizabeth	4/30/1986	O. Belton			common law wife of victim, he owned big watch with 4-5 sets of maroon and

APPENDIX B (page 3)

Arthur Wilson Murder 9/17/1983 - Witnesses APPENDIX B

RED: Key Witnesses

GREEN: Witnesses from the Mary Smith murder case

Last name	First name	Date of Interview	Interviewed By	Positive ID	How ID?	Miscellaneous Notes / Observations
						white inside it had a gold band, estimated value \$ 250.00
Byrd	Mary	4/30/1986	Hicks, J. Dorn			present - victim bought drinks, refused SM, victim bought her one, she played cards at drink house and saw SM leave, saw Mattie Davis at house saw Sammy Mitchell & Merritt Drayton came inside after sirens saw SM carry stick, recognized axe handle as the one SM carried
**Little	Willie E.	3/18/1986	Spoon			interviewed about Mary Smith murder - Called him "Junior"
**Moir	John	3/18/1986	Spoon			interviewed about Mary Smith murder - said Drayton "Junior" - called ambulance

26 Witnesses Listed Above

Of the 26 Witnesses listed above, Five confirmed Merritt Drayton's presence at the scene.

APPENDIX B (page 4)

Arthur Wilson Murder 9/17/1983

APPENDIX B

Second Interview 04-11-1986

**Waived Miranda and gave written statement*

Merritt Drayton (MD) Said:

Witnesses Said:

While riding in the Detective's vehicle MD said "What are they going to do with me when they find out I was involved in this?"

N/A

Match

He contacted the FC Jail staff to give info about a murder	Yes	MD contacted the FC Jail staff to give info about a murder
Recalled the date between 09-15-1983 and 09-17-1983 due to wife illness	Yes	Date of incident was 09-17-1983
He was present at drink house with his common law wife (Mattie Davis)	Yes	MD (aka- Junior) was present at drink house with his wife
Drink house was run by Ezelle (gave description & confirmed address by pointing)	Yes	Drink house was run by Ezelle (Clowers)
Sammy Mitchell and Darryl Hunt also present prior to him	Yes	Sammy Mitchell and Darryl Hunt also present
Multiple people at drink house on night of murder	Yes	Multiple people at drink house on night of murder
Described location and activities of various items in house	Yes	Location and activities of relevant items in house confirmed
Sammy Mitchell argued with Arthur Wilson	Yes	Sammy Mitchell argued with Arthur Wilson
Arthur Wilson was flashing money around	Yes	Athur Wilson was flashing money around
MD and wife were playing cards in front room of house	Yes	Subjects were playing cards in the house
SM and DH followed Arthur Wilson down street	Yes	SM and DH followed Arthur Wilson down street
SM hit victim with large stick with tape on one end	Yes	SM hit victim with large stick with tape on one end
DH kicked victim as he lay on ground	Yes	DH kicked victim as he lay on ground
SM got axe handle from Thomas Thompson (brother-in-law of MD)	Yes	Knew SM frequently carried stick
Mattie Davis witnessed SM and DH assault victim	Yes	(Mattie Davis) witnessed SM assault victim, DH and MD present
Sammy Mitchell's idea to rob victim (SM, DH, MD involved)	Yes	Witness (BJB) heard SM plan Robbery with DH and "Junior"
Merritt Drayton was asked to lead victim away from drink house for Robbery	Yes	Saw 3 B/M's assault and rob victim
DM and his wife left drink house by back door	Yes	Saw victim leave different door than SM, DH
SM had MD remove money from victim	Yes	Saw subjects check victim's pockets & victim found with only loose change
MD admitted to receiving \$ 25 for his role in crime	Yes	
Witnesses in car stopped and chased them	Yes	They chased three suspects from scene of Robbery
DH left area a different way than SM & MD (MD and SM returned to drink house)	Yes	Saw 2 B/M return to drink house after assault
Led Detectives to his house where axe handle with tape (murder weapon) located	Yes	It was same axe handle carried and used by Sammy Mitchell
N/A	Yes	Injuries were consistent with being hit by axe handle

APPENDIX B (page 5)

Arthur Wilson Murder 9/17/1983

APPENDIX B

Polygraph and Third Interview 04-11-1986

**Already under Miranda and gave second interview (third with polygraph) statement of the day

Merritt Drayton (MD) Said:

Witnesses Said:

	Match	
Confessed to basic facts again	Yes	(same as above)
Admitted his involvement in assault of victim	Yes	
Struck victim 3 times in the back area with the axe handle	Yes	
Removing money from victim's right pocket and giving it to Sammy Mitchell (SM)	Yes	
SM gave MD the axe handle	Yes	
Repositioned victim and saw SM search victim's pocket for wallet	Yes	

Fourth Interview 04-16-1986

*Waived Miranda and gave oral statement

Merritt Drayton (MD) Said:

Witnesses Said:

	Match	
Confessed to involvement in murder of Arthur Wilson	Yes	(same as above)
Made statements consistent with prior interviews / questioning		

Fifth Interview 04-30-1986

Merritt Drayton initiated contact with Detectives

*Waived Miranda and gave oral statement

Merritt Drayton (MD) Said:

Witnesses Said:

	Match	
Confessed to removing watch from victim during murder with Sammy Mitchell and Darryl Hunt	Yes	Body was found without watch he was known to wear
Advised it was white face with white dots and received \$ 10.00 for it	Yes	Watch victim owned matched description given by MD

APPENDIX B (page 6)

Arthur Wilson Murder 9/17/1983 APPENDIX B

Merritt Drayton Interviews

<u>Date of Interview</u>	<u>Location</u>	<u>Miranda</u>	<u>Interviewed By</u>	<u>Confession</u>	<u>Miscellaneous</u>
4/9/1986	FC Jail	?	Hicks, Weavil, Spillman	Yes	Admitted to being present during assault witnessing SM, DH assault victim knew stick used as weapon
4/11/1986 Polygraphed	PSC	Waived	Hicks, Weavil	Yes	Spontaneous Utterance made - "What are they going to do to me when they find out I was involved in this"
4/11/1986	PSC	Previous waived	Hicks, Weavil	Yes	
4/16/1986	?	Waived	Weavil, K. Blevins	Yes	Similar statements to the ones previously made
4/30/1986	FC Jail	Waived	Hicks, Weavil	Yes	Admitted to removing the victim's watch and pawning it

APPENDIX C (page 1)

STATE OF NORTH CAROLINA In The General Court of Justice Superior Court Division		File No. <u>86 CAS 1805</u> Film No.
_____ County		
STATE VERSUS	TRANSCRIPT OF PLEA	
Defendant <u>MERRITT GRAYTON</u>	G.S. 15A-1022	
The defendant, having offered a plea of <u>guilty</u> and being first duly sworn, makes the following answers to the questions set out below:		
1. Are you able to hear and understand me?	Answers <u>yes</u>	
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?	<u>yes</u>	
3. Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants? (a) When was the last time you used or consumed any such substance?	<u>NO</u>	
4. Have you discussed your case fully with your lawyer and are you satisfied with his legal services?	<u>yes</u>	
5. Do you understand that you are pleading (guilty) (no contest) to the felonies of <u>second degree murder</u> _____ misdemeanors of _____ _____?	<u>yes</u>	
6. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?	<u>yes</u>	
7. Do you understand that upon your plea you could be imprisoned for a possible maximum sentence of <u>50</u> years _____ months (and that the mandatory minimum sentence is _____ years _____ months)?	<u>yes</u>	
8. Do you understand that you have the right to plead not guilty and be tried by a jury and at such trial to be confronted with and to cross-examine the witnesses against you, and by this plea you give up these and your other constitutional rights relating to trial by jury?	<u>yes</u>	
9. Do you now personally plead (guilty) (no contest)?	<u>yes</u>	
10. (a) [If applicable] Are you in fact guilty? (b) [If applicable] Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt?	<u>yes</u> <u>yes</u>	
11. Have you agreed to plead as a part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval.	<u>yes</u>	
12. [If applicable] The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea. <u>Defendant shall not receive an active sentence in excess of 10 years (40 years) and the judge imposing sentence shall ignore it. any active sentence is ignored. defendant shall be kept in the county jail until he is tried on any other charges. defendant shall be given psychiatric treatment as is available with the Department of Corrections</u>	<u>yes</u> <u>yes</u>	

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	Answers
13. [Other than the plea arrangement between you and the prosecutor] has anyone made any promises or threatened you in any way to cause you to enter this plea?	<u>NO</u>
14. Do you enter this plea of your own free will, understanding what you are doing?	<u>yes</u>
15. Do you have any questions about what has just been said to you or about anything else connected with your case?	<u>NO</u>

I am 28 years of age and have completed the 14 grade of school. (List any additional education, if applicable.)

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order to have the Court accept my plea in this case. The conditions of the plea as stated on the reverse hereof, if any, are accurate.

yes

SWORN AND SUBSCRIBED TO BEFORE ME		Date <u>Nov. 18, 1986</u>
Date <u>11-18-86</u>	Signature of Defendant	
Signature of Deputy of Assistant Clerk of Superior Court	<u>Meritt W. Drayton</u>	

CERTIFICATION BY LAWYER FOR DEFENDANT

As lawyer for the defendant, Meritt W. Drayton, I hereby certify that the conditions stated on the reverse hereof, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself upon which the defendant's plea was entered. I further certify that I have fully explained to the defendant the nature and elements of the charges to which he is pleading.

Date <u>Nov 18, 1986</u>	Signature of Attorney for Defendant	<u>Charles R. Hobbs</u>
		<u>P Kevin Murray</u>

CERTIFICATION BY PROSECUTOR

As prosecutor for the 21st Judicial District, I hereby certify that the conditions stated on the reverse hereof, if any, are the terms agreed to by the defendant and his lawyer and myself for the entry of the plea by the defendant to the charge in this case.

Date <u>Nov 18, 1986</u>	Signature of Prosecutor
	<u>Donald J. Jodel</u>

PLEA ADJUDICATION

Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds:

1. That there is a factual basis for the entry of the plea.
2. That the defendant is satisfied with his lawyer.
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea is hereby accepted by the Court and is ordered recorded.

Julius A. Rousseau

Handout 83

HANDOUT # 83

SEALED BY ORDER OF THE COURT

Handout 84

DEPARTMENT OF CORRECTION
OFFICIAL CRIME VERSION

MEMORANDUM

To: Frank Rush

Date: November 24, 1987

From: Charlotte Hines, R-11
Greensboro PRAC

RECEIVED

NOV 30 1987

Subject: Merrit Drayton Williams 20558-NY
UCR: Life

PAROLE COMMISSION

86 CRS-18809 - First Degree Murder: On or about 03-17-83, in Forsyth County, Merrit Drayton Williams did feloniously of malice aforethought kill and murder Arthur Wilson.

This was investigated by Det. R.A. Spillman of the Winston-Salem Police Dept. He stated that upon his arrival to the 700 block of Claremont Ave., he observed a black male lying face up in the street. Subject appeared to be unconscious; but upon arrival of the ambulance personnel, subject was pronounced dead at the scene. A witness to the homicide, Linda Walser, stated that she and Ronald McGee were driving down the street when they observed three black males leaning over the deceased person, hitting and kicking him and also going through his pockets. She stated and she and Mr. McGee attempted to chase the three subjects, however, they were last seen running south in the 1500 block of Claremont Ave. The victim in this matter was Arthur Wilson, black male, born 03-17-26.

Subject appeared in Forsyth County Superior Court on 11-18-86 before the Honorable Julius A. Rousseau where he entered a plea of guilty to second degree murder and received a life sentence. The co-defendants in this crime were Daryl Hunt, who received 40 years and Sammy Mitchel, who received 50 years.

86 CRS-31738 - Murder: On or about 12-10-85, in Forsyth County, Merrit Williams Drayton t/n Merrit Drayton Williams, did feloniously and of malice and aforethought kill and murder Blanche R. Bryson. This matter was investigated by Det. T.A. Freeland of the Winston-Salem Police Dept.

Det. Freeland stated in his offense report that upon his arrival at 2705 Gilmer Ave., he observed a black female lying on the floor with some type of electrical cord wrapped around her neck, and that she had already been pronounced dead at the scene. The deceased was identified as Blanche R. Bryson. Det. Freeland stated that he interviewed Emma Davis Harbor, who was a friend of the deceased. She stated that she and her husband were to have met Miss Bryson at her residence earlier in the evening to go to a Christmas party. Upon their arrival, she observed Miss Bryson's car pulling away from the curb at a high rate of speed and she became very suspicious. She stated Miss Bryson did not answer her door and she and her husband continued on to the party. They attempted to call Miss Bryson several times, but the line was always busy. She stated she contacted Miss Bryson's son, Tyrone Bryson, and asked him to meet them at his mother's residence. When they entered the residence, they observed her lying in the middle of the living room floor and the room was ransacked.

Subject appeared in Forsyth County Superior Court on 08-04-87 before Judge William H. Freeman, Judge presiding, and was found guilty by a jury and received a life sentence to begin at the expiration of all sentences he is now serving.

Distribution: Original and 1st Copy - Parole Analyst
2nd and 3rd Copy - DOP - Classification
4th Copy - Investigating PPO

000154
NCHC

Handout 85

INTERVIEW: PAUL LANDINGHAM
DATE: 04-15-86
TIME: 1719 Hours
PRESENT: Det. R. N. Weavil
Det. T. H. Hicks

Weavil: Mr. Landingham, this is an interview in reference to an incident which took place on Claremont Avenue some two to three years ago, involving a friend of yours by the name of Arthur Wilson. Do you remember this incident?

Landingham: Yes, I do.

Weavil: Explain to me what happened up there. Who was involved in with this incident?

Landingham: It was ten or twelve people in the house. Some in one room playing cards. Some in another room drinking. Arthur Holiday, a friend mine, which had been drinking. He had gotten drunk. He was getting ready to leave. He asked me to take him home. I told him I didn't have a car. In the house there was myself, Arthur Holiday, Patricia - I don't remember her last name - Mattie Davis, Johnny Ray Canada, - who else - Sammy Mitchell, Darryl Hunt and Ezzel's wife, they call her Red. I know she was there. Arthur left. Sammy and Darryl left before they did, about maybe anywhere from 20 minutes to 30 minutes before Holiday did. Holiday told me he was going home and he left. About ten - maybe about ten minutes after that Patricia come in the house and she said, "They done killed that man." She said, "They hit him in the head and knocked a hole in his head." By that time everybody jumped up and run out of the house. I told them I wouldn't going to even go because I didn't want to see it. I didn't go out of the house. That's, you know, about all I know about that.

Weavil: When you talking about a house, whose house was it? Where's it at?

Landingham: It's in the 1800 Block of Claremont. Ezell Clower's house.

Weavil: How did you know what man they were talking about?

Landingham: How did I know what man who was talking about? I asked the girl, "What man?" She say the man with the red shirt on. Myself and Arthur Holiday was the only two people that had on a red shirt. She said, "The man that just left here with the red shirt on."

Hicks: You talking about Patricia told you that?

Landingham: That's what Patricia said. She said it was the man with the red shirt. The one that just left here with the red shirt on.

Hicks: Did she say anything else?

Landingham: All she said was that they killed him. Said, "They hit him in the head." She said, "He got a big hole in his head." I asked her was it at? I asked her where it happened. She say, "Up there by the store." That's approximately a block away.

Hicks: Do you remember what time?

Landingham: Well, it was in the summertime and it just had got dark.

000744
NCHC - WSPD

INTERVIEW: PAUL LANDINGHAM
Page 2

Hicks: But, you know for sure it was dark.

Landingham: It was dark.

Hicks: And, Patricia came in ten minutes after Art left?

Landingham: About ten minutes after he had left.

Hicks: What did you do after she came in and said that the man had been killed.

Landingham: Well, I asked her what man. She said, "The man that just left here, the one with the red shirt on." I assume it was Holiday because he and I was the only two people in the house that had on a red shirt and she say the man that just left here. So, I assume that was him.

Hicks: What did you do then? Did you go out to see him?

Landingham: No, I didn't go out of the house at all.

Hicks: Did anybody else?

Landingham: Just about everybody in the house went out to see what was going on.

Hicks: Do you remember if Sammy or Darryl came back that night, came back to the house?

Landingham: They didn't come back while I was there. I stayed there 'til approximately one o'clock that night and they didn't stay. They didn't come back.

Hicks: Are you real sure about the times on this?

Landingham: Well, I know it was at night. It had just gotten dark. And, you know, it get dark in the summertime around 8:00, 8:30, somewhere along there.

Weavil: And, you're saying it's after it got dark.

Landingham: It was after it got dark.

Weavil: After this incident occurred that night, did you later find out that it was your friend, in fact, that had got killed?

Landingham: Yes, I did. It was some of the people that came back that told me that it was Holiday.

Weavil: Did you go to the funeral or anything like that.

Landingham: No, I didn't. I was working at the time.

Hicks: This ends the interview with Paul Landingham.

/bb

INTERVIEW: PAUL LANDINGHAM

DATE: 04-15-86

TIME: 1757

PRESENT: Det. T. H. Hicks
Det. R. N. Weavil
Det. R. A. Spillman

Hicks: Paul, if you would, describe to us the type of friendship that you had with Holiday.

Landingham: I been knowing Holiday ever since I was about 12-13 years old. We wouldn't the kind of friends that what you might say we'd go out together all the time or run together or drink all the time together. We was the kind of friends that when we met with each other we were friends then, you know. We shared together. He went his way and I went mine. That's the kind of relationship we had.

Spillman: Paul, while you was there in the drink house that night, did you at any time hear an argument between Sammy Mitchell and Darryl Hunt and Holiday?

Landingham: Well, I been thinking about that ever since I been sitting here and I just really can't remember. I hate to say yes and I hate to say no. I just can't remember, 'cause if I knew for sure I'd say it.

Weavil: You were in what room?

Landingham: I was in the front room.

Weavil: And, what room were they in?

Landingham: Well, mostly Sammy and Darryl stayed in the kitchen. Holiday was going back and forth.

Hicks: How do you know they left out the back door?

Landingham: Because when I went in there to get some more cards, they had gone. They had to go out the back, 'cause they'd had to come by me to get out the front. I was practically standing in the doorway.

Weavil: So, how can you be sure as to how long before Art or Holiday left that they left?

Landingham: Well, really, I saw Sammy when he - I saw his back when he went out the door. 'Cause I went back in there to get some cards. It wouldn't long before Holiday come in the room and said he was going to leave.

Weavil: Wouldn't long, how many minutes are you talking about there?

Landingham: Well, it was about maybe somewhere between 20 minutes and a half an hour.

INTERVIEW: PAUL LANDINGHAM
DATE: 04-15-86
TIME: 1757

Page 2

Spillman: All right, when Pat came back inside and said that they'd killed that man outside, somebody asked who.

Landingham: Somebody asked who it was. She said, "The man that just left here, the one with the red shirt on."

Spillman: All right. Did - why didn't you asked her who was involved or who had killed him?

Landingham: I wouldn't thinking about anything like that then.

Spillman: Is there any reason, Paul, that you hadn't come to us and give us this information before now?

Landingham: Well, now, I really didn't know, because I didn't know where they had found out who had did it. I hadn't heard anything else about it until, when was it, yesterday.

Spillman: All right, in your opinion, or have you heard who is, in fact, involved in the incident over there?

Landingham: Well, I've heard speculations. Well, people just sit around and talk about things like that. Ever since this Sykes case, they was saying that they thought maybe he - Sammy and Darryl had something to do with Holiday being killed. And, this is mostly speculation, but nobody really come out and just said that they knew anything about it or they heard anybody say definitely that they knew.

Hicks: This is the end of the interview of Paul Landingham. The time is 1803.

/bb

Handout 86

TESTIMONY OF LES BURNS

1 \$ (At 3:25 PM, the judge leaves the courtroom and
2 returns into open court momentarily.)

3 THE COURT: All right, approach the bench.

4 (Conference at the bench.)

5 THE COURT: All right, we'll take a 15 minute
6 recess.

7 (At 3:29 PM, a mid-afternoon recess is had.)

8 (At 4:10 PM, the mid-afternoon recess is ended.
9 The jury is brought into open court.)

10 MR. STEIN: Your Honor, may we approach the
11 bench?

12 (Conference at the bench.)

13
14 LES. BURNS, having already been duly sworn
15 returned and testified on his oath as follows during:

16 DIRECT EXAMINATION CONTINUED BY MR. STEIN:

17 (The question asked of this witness before the
18 jury was taken out of the courtroom is read back by the
19 court reporter.)

20 Q. Backing up a little bit, Mr. Burns, you -- as I
21 recall, we were talking about State's Exhibit nine, is that
22 right?

23 A. Yes, sir.

24 Q. I put State's Exhibit nine on the easel. Did you
25 station somebody where Mr. Weavil is shown on State's

1 Exhibit nine?

2 A. Yes, sir, I did.

3 Q. And did you station somebody where Mrs. Hicks is
4 shown in State's Exhibit nine?

5 A. Yes, sir.

6 Q. Now, after doing that, did you ever return to where
7 Mr. Carricker was?

8 A. Yes, sir, I did.

9 Q. And again, that -- where he was was supposed to
10 represent where the photographer would have been who took
11 State's Exhibit nine, is that correct?

12 A. That's correct.

13 MR. SAUNDERS: I object to that, Your Honor.

14 THE COURT: Overruled.

15 Q. Did you -- once you were back with Mr. Carricker, did
16 you look back up towards 18th Street?

17 A. Yes, sir.

18 Q. South?

19 A. Yes, sir.

20 Q. Now, what could you see as you looked south at 18th
21 Street around one-thirty in the morning last week?

22 A. I could see the street lights very clearly at 18th
23 Street, the lights themselves. That was about the extent of
24 what I could see.

25 Q. What about the people that you had stationed up

1 there?

2 A. I would determine that there was someone in the area
3 of 18th Street. I could not recognize any characteristics
4 at all.

5 Q. What about race, black or white?

6 A. No, sir.

7 Q. Sex, male or female?

8 A. No, sir.

9 Q. Could you tell whether or not the person had a hat
10 on?

11 A. No, sir.

12 Q. Could you identify any items of clothing?

13 A. No, sir.

14 Q. Now, did any of the people that you had stationed up
15 there have on a hat?

16 A. One individual had on a white, I believe called a
17 kufi.

18 Q. Do you see any -- looking out in the audience, do you
19 see anybody with such a hat on?

20 A. I see a blue one.

21 Q. Mr. Griggs, would you stand up?

22 (A man in the audience stands.)

23 Q. Sort of a skull cap?

24 A. Yes.

25 Q. Like the man in the back?

1 A. Yes.

2 Q. When you were back standing with Mr. Carricker and
3 looking up 18th Street south, could you see the hat on that
4 person's head?

5 A. No, sir.

6 Q. Did you and Mr. Carricker then change positions?

7 A. Yes, sir, we did.

8 Q. And what did you do then?

9 A. We moved up to the position of -- State's Exhibit
10 number 10 represents the position where Barbara Bason, I
11 believe, was located.

12 Q. And is that the large blown-up photograph that's on
13 the easel now?

14 A. Yes.

15 Q. Did you, when you reached that position, did you look
16 up towards 18th Street?

17 A. Yes, sir.

18 Q. From there?

19 A. Yes.

20 Q. And what could you see when you were at the -- at
21 that position?

22 A. I could see that there was individuals there. I
23 could not recognize any characteristics. Could not tell
24 male, female, white or black. Could not recognize anyone.

25 Q. What about the hat on the head of the person that you

1 have described, the white --

2 A. No, sir.

3 Q. -- white kufi?

4 A. No.

5 Q. After Mr. Carricker was stationed there for Miss
6 Bason's position, did you then walk south towards 18th
7 Street again?

8 A. Yes.

9 Q. And as you approached 18th Street and arrived there,
10 were the people still stationed where you had left them?

11 A. Yes.

12 Q. Now, going back a bit, as you approached them, how
13 close did you get to them before you could recognize who
14 they were?

15 A. Approximately 20 to 30 feet.

16 Q. When -- did you walk back to where Mr. Carricker was
17 standing after that?

18 A. Yes, sir.

19 Q. As you were looking from 18th Street down towards
20 him, could you recognize him as someone you knew?

21 A. No, sir.

22 MR. SAUNDERS: Well, I'd object to that, Your
23 Honor.

24 THE COURT: Overruled. Go ahead.

25 Q. And as you walked towards him, how close did you get

1 to him before you could recognize who he was?

2 A. About 30 feet.

3 Q. Now, going back to the Williams photograph, the first
4 time, when you got up to where you had stationed, did you
5 make any signal of any kind towards Mr. Carricker?

6 A. Yes, sir.

7 Q. And how did you signal him?

8 A. Initially, I waved at him with my arms.

9 Q. You say initially?

10 A. Yes, sir. I got no response.

11 Q. And then what did you do?

12 A. I believe I walked back down to where he was. We
13 worked out a signal with a flashlight.

14 Q. And what was the signal?

15 A. Three flashes when I was in position.

16 Q. And did you signal him that way?

17 A. Yes, sir, I did.

18 Q. On both occasions?

19 A. Yes, sir.

20 Q. And what was the reason for that? What was that
21 signal to indicate to Mr. Carricker?

22 A. That I was in the position of where -- that --
23 whether myself was in position or the other individuals were
24 in position of Mr. Weavil and Detective Hicks.

25 Q. For what purpose?

1 A. --

2 Q. What was he to do?

3 A. --

4 Q. When you signaled him?

5 A. What he was there for.

6 Q. Which was what?

7 A. To take a photograph.

8 MR. SAUNDERS: I object to that, Your Honor.

9 THE COURT: Overruled. Proceed.

10 MR. STEIN: That's all we have.

11

12 CROSS EXAMINATION BY MR. SAUNDERS:

13 Q. Mr. Burns, when you were out there last week, there
14 weren't any porch lights on any of those houses, were there,
15 sir?

16 A. No.

17 Q. The store that's on the left of the -- right there at
18 the intersection, that light wasn't on, was it?

19 A. No.

20 Q. And you didn't position a car on the left-hand side
21 of the road with its headlights on, did you?

22 A. No, sir.

23 Q. Now, the people that you're referring to that you
24 couldn't tell what -- whether or not they were male or
25 female or black or white or anything was standing where

1 Mrs. Hicks was standing, isn't that right?

2 A. Six of them were. Six of them was standing where
3 Detective Weavil was standing.

4 Q. And how long had you known those people, Mr. Burns?

5 A. The one in the front I had known about a year and a
6 half. The four down where Detective Hicks was, I did not
7 know them.

8 Q. Didn't know them at all?

9 A. No.

10 Q. And you knew that this assault started under the
11 street light right here, didn't you?

12 A. Yes, sir.

13 Q. And the person you knew for a year, year and a half,
14 did you have him under the street light?

15 A. Yes.

16 Q. And before you went out there, you saw how he was
17 dressed, is that right?

18 A. Yes.

19 Q. And you knew who he was, didn't you?

20 A. Yes, sir.

21 MR. SAUNDERS: That's all.

22
23 REDIRECT EXAMINATION BY MR. STEIN:

24 Q. Mr. Burns, have you ever gone out there with people
25 -- at night with people you know?

1 A. Yes, sir.

2 Q. And when did you do that?

3 A. The same night. I went out again.

4 Q. And who were the people you went with?

5 A. You and Mr. Ferguson and Vicki Redding, the paralegal
6 seated against the back behind you.

7 Q. How long have you known me?

8 A. About 12 years.

9 Q. How long have you known Mr. Ferguson?

10 A. About 14 years.

11 Q. Mrs. Redding?

12 A. About 12 years, 13 years.

13 Q. Were you able to recognize us, having known us?

14 A. No, sir.

15 MR. STEIN: That's all we have, Your Honor.

16

17 RE-CROSS EXAMINATION BY MR. SAUNDERS:

18 Q. Well, where were they standing when you went out
19 there, Mr. Burns?

20 A. We repeated the same thing that I did when I was out
21 there with the other people.

22 Q. You mean to tell this jury, Mr. Burns, that you had
23 Mr. Ferguson and Mr. Stein and Miss Redding stand under that
24 street light and from a hundred and 20 feet away, you
25 couldn't recognize them?

1 A. That's exactly right, sir.

2 MR. SAUNDERS: That's all the questions I have.

3 THE COURT: Come down.

4 MR. STEIN: That's all we have.

5 Mr. Carricker?

6 (The witness Carricker returns to the witness
7 stand.)

8 MR. STEIN: Your Honor, I think he should be
9 sworn before the jury.

10 (A witness is duly sworn.)

11 *Δ-W*
12 RONALD CARRICKER having been duly sworn to state
13 only the truth, testified on his oath as follows during:

14 DIRECT EXAMINATION BY MR. STEIN:

15 Q. Please tell the jury your full name and where you
16 live.

17 A. Ronald Carricker. Live in Winston-Salem, North
18 Carolina.

19 Q. How long have you lived in Forsyth County?

20 A. I was born in Forsyth County.

21 Q. How long ago was that?

22 A. 1934.

23 Q. What is your profession, sir?

24 A. Commercial photographer.

25 Q. How long have you worked there as a commercial

**TESTIMONY OF
RON
CARRICKER**

1 A. That's exactly right, sir.

2 MR. SAUNDERS: That's all the questions I have.

3 THE COURT: Come down.

4 MR. STEIN: That's all we have.

5 Mr. Carricker?

6 (The witness Carricker returns to the witness
7 stand.)

8 MR. STEIN: Your Honor, I think he should be
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17 A. Ronald Carricker. Live in Winston-Salem, North
18 Carolina.

19 Q. How long have you lived in Forsyth County?

20 A. I was born in Forsyth County.

21 Q. How long ago was that?

22 A. 1934.

23 Q. What is your profession, sir?

24 A. Commercial photographer.

25 Q. How long have you worked there as a commercial

1 photographer?

2 A. Self-employed since 1970.

3 Q. Have you worked at any other kind of photographer
4 before that?

5 A. I have been a newspaper photographer, television and
6 motion picture photographer, and army photographer.

7 Q. What education and training have you had in
8 connection with photography?

9 A. University of Miami, motion picture photography; U.
10 S. Army Photo School, Fort Monarc, New Jersey; and many,
11 many seminars.

12 Q. And at the University of Miami, how much study did
13 you have in photography?

14 A. Three years.

15 Q. What was your first job as photographer? How old
16 were you?

17 A. 16 years old, had just gotten a new driver's license.
18 Full time with the Winston-Salem Journal.

19 Q. And what other -- could you just quickly take us from
20 age 16 to date in terms of your work as a photographer.

21 MR. SAUNDERS: Your Honor, I'd object to this.

22 THE COURT: Well, sustained.

23 MR. SAUNDERS: I don't see the relevancy.

24 MR. STEIN: Your Honor, we're going to offer him
25 as an expert in photography to show that photographs can be

1 taken at night.

2 MR. SAUNDERS: Well, I object to that, Your
3 Honor.

4 THE COURT: Approach the bench.
5 (Conference at the bench.)

6 Q. Sir, just not in elaborate detail, but run through
7 from your job with the newspaper here at age 16, positions
8 you've had as a photographer.

9 A. Well, motion picture photographer television station,
10 been an army photographer for army criminal investigation.
11 Been a photographer for Western Electric; chief photographer
12 Defense Activities Division; and became self-employed in
13 June, 1970. Since then I've done advertising commercial
14 illustration work.

15 Q. Have you ever done any photography in -- in
16 connection with lawsuits before?

17 A. Yes, sir, military.

18 Q. And what about here in North Carolina?

19 A. Civil suits.

20 Q. Now,

21 MR. STEIN: At this time, we offer Mr. Carricker
22 as an expert to give expert opinions in the area of
23 photography.

24 THE COURT: All right.

25 Q. Sir, I ask you to look at State's Exhibit nine which

1 is there on the easel. Have you seen that photograph
2 before?

3 A. Yes, sir.

4 Q. And I ask you whether a photograph could be taken at
5 nighttime at two o'clock in the morning to show what the
6 person could see who is taking that photograph.

7 MR. SAUNDERS: Well, I object to the form of that
8 question, Your Honor.

9 THE COURT: Sustained.

10 (Mr. Ferguson and Mr. Stein confer.)

11 Q. Sir, can a camera take a photograph at night to
12 depict that scene?

13 A. Yes, sir.

14 MR. SAUNDERS: Objection.

15 THE COURT: Overruled.

16 Q. And I ask you to look at State's Exhibit 10. And
17 you've seen that before, haven't you?

18 A. Yes, sir.

19 Q. Can a photograph be taken at night to depict that
20 scene?

21 A. Yes, sir.

22 Q. Fairly and accurately?

23 A. Yes, sir.

24 MR. SAUNDERS: Well, object to --

25 THE COURT: Overruled.

1 Q. What kind of equipment would be necessary to make a
2 nighttime photograph to depict either State's Exhibit nine
3 or 10?

4 A. Normal camera with a tripod and fast film.

5 Q. And how do you go about getting a photograph done,
6 then, at night?

7 A. Long exposure.

8 MR. SAUNDERS: I'm sorry, I didn't hear that.

9 THE WITNESS: Long exposure.

10 Q. The equipment is the same except for tripod and the
11 film, is that the -- isn't that --

12 A. Yes. Standard equipment.

13 Q. Have you, in the course of your career as a
14 professional photographer, taken photographs at night to
15 represent what can be seen at night?

16 MR. SAUNDERS: Objection.

17 THE COURT: Overruled.

18 A. Yes, sir.

19 Q. Have you done that in connection with criminal
20 investigations while you were in the army?

21 A. Yes, sir.

22 Q. Well, give us an example of certain situations as a
23 criminal invest- -- in connection with criminal
24 investigation in the army, nighttime photography.

25 MR. SAUNDERS: Objection.

1 THE COURT: Sustained.

2 Q. Now, did you go out to Claremont Avenue last week
3 with Les Burns about one-thirty in the morning?

4 A. Yes, sir.

5 Q. And what date was that?

6 A. Wednesday night, early Thursday morning.

7 Q. Now, did you -- looking first at the State's Exhibit
8 number nine which is the longest view -- did you station
9 yourself where -- I withdraw that.

10 Can you tell by looking at that photograph and having
11 been on Claremont Avenue, where the photographer stood who
12 took that photograph?

13 A. Yes, sir.

14 Q. And did you go and visit that point?

15 A. Yes, sir.

16 Q. Did you stand there and set up your equipment there?

17 A. About five feet to the left of that spot.

18 Q. Why did you move five feet to the left?

19 A. Because there were cars parked along the curb.

20 Q. On the right hand curb as you're looking --

21 A. Yes, sir.

22 Q. And did you, when you were there, look south along
23 Claremont Avenue?

24 A. Yes, sir.

25 Q. And what did you -- and did you get a signal from

1 Les Burns?

2 A. Yes, sir.

3 MR. SAUNDERS: Your Honor, I'd object to the
4 leading.

5 THE COURT: Overruled. Go ahead.

6 Q. What did you see as you looked south after you
7 received the signal from Les Burns?

8 A. Could make out images of people. It would have been
9 difficult to count how many. Could not tell if they were
10 black or white, male or female.

11 Q. Now, did -- could you tell what clothes they had on?

12 A. No, sir.

13 Q. Could you tell whether or not they had hats on?

14 A. No, sir.

15 Q. Did you see a person with a white hat on?

16 A. No, sir.

17 Q. Did you -- what did you do after you got the signal
18 from Les Burns?

19 A. Opened the shutter on the camera and made the
20 picture.

21 Q. How long did you leave the shutter open?

22 A. One half minute.

23 Q. Did you then see Les Burns again?

24 A. When he came to me to move to the next location.

25 Q. Did you see him as he approached you?

1 A. When he was close, 20, 30 feet.

2 Q. Could you recognize him when he was farther away from
3 you than that?

4 A. No, sir.

5 Q. What did you do next after Les Burns arrived back to
6 where you were?

7 A. Moved the camera to the next closer position, the
8 next photograph.

9 Q. And that's State's Exhibit 10.

10 Could you find in the street there where the
11 photographer stood and took that photograph?

12 A. Yes, sir.

13 Q. Did you position yourself there?

14 A. Just to the left of the spot.

15 Q. And was Les Burns there with you when you did that?

16 A. Yes, sir.

17 Q. And then what did he do?

18 A. Went back to the intersection and positioned his
19 people.

20 Q. And then what happened?

21 A. He signaled me and I made a picture.

22 Q. And before he signaled you, were you looking up
23 Claremont towards 18th Street?

24 A. Yes, sir.

25 Q. And what could you see this time?

1 A. I could see people moving. Non-recognizable.

2 Q. What about the race of the people?

3 A. Couldn't tell.

4 Q. What about the sex of people?

5 A. Couldn't tell.

6 Q. Could you tell whether or not people had hats on?

7 A. No, sir. People were silhouetting. The lights were
8 behind them.

9 Q. Could you make out what people were wearing?

10 A. No, sir.

11 Q. What happened next?

12 A. We finished our pictures.

13 Q. And then did Les Burns come back to where you were?

14 A. Yes, sir.

15 Q. And again, as he approached you this time, how close
16 to you did he get before you could recognize him?

17 A. 20, 30 feet.

18 MR. STEIN: Bear with me a moment, Your Honor.

19 (Conference at the defense table.)

20 Q. After you took the photographs, did you process the
21 film?

22 A. I processed the film myself.

23 Q. And was it black and white or color film?

24 A. Color film.

25 Q. What kind of film?

1 A. Kodacolor 400.

2 Q. And did the photograph that you processed -- I
3 withdraw that.

4 Did you end up with a photograph that depicts the
5 scene as shown in State's Exhibit 10?

6 A. Yes, sir.

7 MR. SAUNDERS: Objection.

8 THE COURT: Overruled.

9 Q. Does that photograph which you have processed and
10 developed fairly and accurately depict what you saw that
11 night?

12 A. Yes, sir.

13 Q. With respect to the photograph that you took of the
14 scene of State's Exhibit nine, does that photograph which
15 you've developed fairly and accurately depict what you saw?

16 A. Yes, sir.

17 MR. STEIN: Your Honor, at this time, defendants
18 offer Defendant's Exhibits three and four.

19 MR. SAUNDERS: Object.

20 MR. STEIN: With the understanding that you were
21 going to reserve ruling on them.

22 THE COURT: Sustained at this time.
23 Anything further of this witness?

24 MR. STEIN: I have nothing further on direct.
25

CROSS EXAMINATION BY (MR. SAUNDERS):

1 Q. Mr. Carricker, the street lights that you saw out
2 there on Claremont Avenue on that night, were they just like
3 street lights all over the City of Winston-Salem?
4

5 A. Yes, sir.

6 Q. And street lights in the county?

7 A. As far as I know the county has the same street
8 lights the city has.

9 Q. So wasn't -- nothing unusual about those street
10 lights, then, was it?

11 A. No, sir.

12 Q. Weren't any porch lights on that night you were out
13 there, was it?

14 A. No, sir.

15 Q. And the store that was there on the left, that store
16 light wasn't on, was it?

17 A. There was a building there and there was no lights
18 on.

19 Q. And you or Mr. Burns didn't position a car on the
20 left-hand side of the road with the headlights on, did you?

21 A. No, sir.

22 Q. How many -- at each location, Mr. Carricker, how many
23 pictures did you take?

24 A. I made several exposures at each location.

25 Q. Well, could you give us a number?

1 A. Two, three. I shot a whole roll of film on the whole
2 job.

3 Q. Well, how many pictures in a roll of film?

4 A. There is 12.

5 Q. So then you shot 12, then, is that right?

6 A. Put down eight. I don't know.

7 Q. Well, no, sir, I want to put down how many pictures
8 you took.

9 A. I made two pictures; one at the long location, one at
10 the shorter location. I made several exposures at each.

11 Q. Several meaning two at each?

12 A. Yes.

13 Q. But you used up a whole roll of film?

14 A. Yes.

15 Q. Now, the type of photograph that you're going to get,
16 Mr. Carricker, is going to depend on how how wide you had
17 your shutter open, isn't that right?

18 A. How long, not how wide.

19 Q. It wouldn't matter how wide?

20 A. I can't control the width.

21 Q. You can only control --

22 A. The length of the time it's open. I can give you a
23 half second or quarter second, but I can't change the angle,
24 the width.

25 Q. You don't have one of those cameras that you --

- 1 A. I don't have a zoom lens.
- 2 Q. It would depend on how the film is developed?
- 3 A. Film was developed according to Kodak specifications.
- 4 Q. But if you developed it at a shorter period of time,
- 5 the photograph would have been darker, isn't that right?
- 6 A. I wouldn't have an image.
- 7 Q. Would things have been darker?
- 8 A. Would be nothing there. I wouldn't have a picture.
- 9 Q. And if you had developed longer, it would have been
- 10 lighter, isn't that right?
- 11 A. Negative film would have been darker. Transparency
- 12 film would have been lighter. This was negative film; it
- 13 would have been darker.
- 14 Q. And it also depends on what kind of film you use,
- 15 too, isn't that right?
- 16 A. Yes, sir, Kodachrome -- Kodacolor 400.
- 17 Q. How long had you known Mr. Burns?
- 18 A. Three days.
- 19 Q. Three days?
- 20 A. Yes, sir.
- 21 Q. Did you know the other people that were out there?
- 22 A. No, sir.
- 23 Q. You never seen them before in your life?
- 24 A. Met them first time that night.
- 25 MR. SAUNDERS: That's all.

1 MR. FERGUSON: If Your Honor please, at this time
2 I understand we have a stipulation regarding the street
3 lights and their condition along Claremont Avenue as they
4 appeared along Claremont Avenue and as they appear now.

5 MR. SAUNDERS: Stipulate the same number.

6 MR. FERGUSON: Let me confer with State and make
7 sure is that I state the stipulation correctly.

8 (Mr. Ferguson and Mr. Saunders confer.)

9 MR. FERGUSON: If Your Honor please, the
10 stipulation is that along Claremont Street between 19th
11 Street and 17th Street, the number of street lights is the
12 same now as it was in 1983 -- September 17th, 1983.

13 THE COURT: All right. Thank you.

14 MR. FERGUSON: If Your Honor please, I'd like to
15 offer up an item of evidence that I would ask to have marked
16 Defendant's Exhibit number five.

17 (Defendant's Exhibit five is marked for
18 identification and shown to State's attorneys.)

19 MR. FERGUSON: If Your Honor please, I have
20 marked for identification as Defendant's Exhibit (number five)
21 a true copy of record from the Office of the Clerk of
22 Superior Court of Forsyth County relating to a charge of --
23 disposition of an assault warrant which was taken out on
24 August 31st, 1985, against the witness Sammy Lee Mitchell by
25

1 MR. SAUNDERS: I would object at this point.

2 MR. FERGUSON: I'm sorry, not the witness --
3 against Sammy Lee Mitchell --

4 MR. SAUNDERS: I object.

5 THE COURT: Well, approach the bench so we can
6 tell --

7 (Conference at the bench.)

8 THE COURT: All right, members of the jury, going
9 to take our afternoon recess at this point. Going to
10 caution you once again not to discuss this case among
11 yourselves or with anyone or allow anyone to talk to you
12 about the trial. Don't form any opinion as to the guilt or
13 innocence of the defendant until you've heard fully and
14 completely from both sides. Don't read, watch, look at, or
15 listen to any broadcast referring to the trial.

16 You're free to leave and return tomorrow morning at
17 nine-thirty, please.

18 (At 4:48 PM, the jury is dismissed for the
19 overnight recess.)

20 (An overnight recess is had.)

21
22 (On September 29, 1987, court is opened at 9:34 AM.)

23 THE COURT: Bring the jury in.

24 (The jury is brought into open court.)

25 THE COURT: All right, go ahead.

1 MR. STEIN: Your Honor, my witness, we keep
2 hoping -- Mr. Carricker, could you take the stand again.

3 (The witness Carricker returns to the witness
4 stand.)

5
6 REDIRECT EXAMINATION BY MR. STEIN:

7 MR. STEIN: May I approach the witness?

8 Q. (Mr. Carricker) I show you what has been marked as
9 Defendant's Exhibit four and ask you whether you recognize
10 that.

11 A. Yes, sir.

12 Q. And what is that?

13 A. That is a photograph that I made.

14 Q. And yesterday in discussing the photographs you made,
15 you said that one was to replicate State's Exhibit nine and
16 one was to replicate State's Exhibit 10?

17 A. Yes, sir.

18 Q. Do you know which one that is?

19 A. Not by numbers. The long shot we did first,
20 furthest one back.

21 Q. Would you come down and let me ask you to look at
22 Defendant's Exhibit three and see whether you recognize
23 that.

24 A. That's the close-up. That one.

25 Q. Could you look at it closely, observe Miss Hicks on

1 this one and then on this one?

2 A. Yes, sir.

3 Q. And which --

4 A. This is the long shot over here equals that one.

5 Q. Now, I'm looking at State's Exhibit nine, I believe,
6 which is -- what you've described now as the long shot.

7 That's the view of Ms. Williams. Which one of defendant's
8 exhibits that you've just identified is that?

9 A. (Indicating)

10 Q. You've put that on the easel. Now, can you identify
11 the -- for the jury -- I think the juror back there can't
12 see. Let's bring the easel around this way and if you would
13 hold up the daytime photograph and show the jury where the
14 common land marks are in the two photographs.

15 MR. SAUNDERS: Need some help here, Mr. Stein?

16 A. The reference point is the telephone pole. And when
17 I made mine, I had to move out into the street about five
18 feet to the left because the cars were parked at the curb
19 that night. And had I been in this position, these people
20 here would have been hidden by the car. So I simply moved
21 about five feet to the left so I could see around the parked
22 car.

23 Q. Now, Mr. Carricker, could you look again at the two
24 daytime photographs and see which one's the long shot and
25 which one's the short shot?

1 A. This is the long shot.

2 Q. And is the --

3 Q. And could you again -- come back here, you've got
4 your back to the jury.

5 A. The reference on the telephone pole. This house is
6 this house, angles a little bit because I had move to the
7 left few feet, five feet.

8 Q. Say again what you just said.

9 A. Because I moved out about feet to the left to see
10 around the parked cars. This pole doesn't line up on the
11 front porch of this house, in focus situation exactly the
12 same.

13 Q. What about the distance you were standing from the
14 corner of 18th Street?

15 A. Same distance. The radius would be the same whether
16 it be here or out there. The radius line is the same.

17 Q. The daytime photograph is State's Exhibit nine and
18 the nighttime photograph is Defendant's Exhibit four, is
19 that right?

20 A. Right.

21 Q. Now, let me ask you to now look at the other daytime
22 photograph that Mr. Saunders has and I will hold that and
23 put nighttime photograph on the easel.

24 A. Yeah, we got a telephone pole right there.

25 Q. Possibly, if you could stand over here --

1 A. That telephone pole. There is your street light;
2 street light here is that street light.

3 Q. Now, again your distance from 18th Street as compared
4 with the daytime photograph?

5 A. The same. There are my people. These people are
6 there. Again, I have cars parked here which this
7 photographer didn't have.

8 Q. Now, if you would resume the witness stand, please.

9 Do those Defendant's Exhibits three and four fairly
10 and accurately represent what you were able to see as you
11 were out there that night?

12 MR. SAUNDERS: Object.

13 A. Yes, sir.

14 THE COURT: Overruled.

15 Q. Now, is there a particular distance that one should
16 be from those enlarged photographs to get the same view as
17 you had when you took them?

18 A. About six to eight feet.

19 Q. And why is that?

20 A. Because they are larger, wall size or eight by ten
21 pictures, you would hold in your hand and look at. This is
22 a wall size picture. You would hang it on the wall and step
23 back from it.

24 Q. In terms of comparing the view that you had that
25 night with the view you have if you're farther away than six

1 or eight feet from the photograph?

2 A. You might not see as much detail.

3 Q. And what if you're closer?

4 A. You would see more detail.

5 Q. So the proper viewing distance is then six to eight
6 feet?

7 A. Six to eight feet.

8 Q. Now, could you please go back down and take the
9 photograph that's on the outside of the easel which -- and
10 stand from the -- in front of the jury box and slowly walk
11 to the left about six feet from the front row jurors so that
12 they can get the view that -- and walk slowly to your left
13 so that they will see the view you're talking about.

14 A. (Indicating)

15 Q. And could you repeat the process with the other
16 nighttime photograph?

17 A. (Indicating)

18 Q. Mr. Carricker, could you resume the witness stand?

19 MR. STEIN: That's all the questions I have for
20 him at this time, Your Honor.

21

22 RE-CROSS EXAMINATION BY MR. SAUNDERS:

23 Q. Mr. Carricker, you say -- you're telling this jury
24 that's the way that appeared to you out there by your naked
25 eye that night?

1 A. Yes, sir.

2 Q. And I believe you indicated that you had to be within
3 20 to 30 feet of someone before you could tell the features
4 and everything?

5 A. Yes, sir.

6 Q. Or sex?

7 A. Yes.

8 Q. And race?

9 A. Yes.

10 Q. Now, taking a picture at night is a little tricky,
11 isn't it?

12 A. No, sir.

13 Q. It's not?

14 A. No, sir.

15 Q. Doesn't your subject have to be perfectly still?

16 A. Yes, sir.

17 Q. Almost can't be breathing, isn't that right? ✓

18 A. Yes, sir.

19 Q. And if they move at all, it blurs them a little bit,
20 is that right?

21 A. Yes, sir.

22 Q. And a lot of night photography depends on what you're
23 focusing on, too, doesn't it, Mr. Carricker?

24 A. I'm not sure what you mean. You mean the focus of
25 the camera?

1 Q. Yes, sir. If you're focusing on one particular
2 object, an object that also shows up in that particular
3 photograph that you take might be a little blurred, would it
4 not?

5 A. That's the case of any photograph, day or night.
6 Doesn't change at night.

7 Q. What you were focusing on in these particular
8 photographs were these four people down in here, is that
9 right?

10 A. No, sir, I was focusing on infinity.

11 Q. What does that mean?

12 A. It means that the camera focused back as far as it
13 would go.

14 Q. But you had to pick out one particular object that
15 you were focusing on.

16 A. I don't see an object in this particular photograph.

17 Q. You don't see anything? You couldn't see the street
18 light?

19 A. I could see something. The street light.

20 Q. Then you could see something, couldn't you, Mr.
21 Carricker?

22 A. Yes, but I focused on infinity.

23 Q. And night photography depends on how long you leave
24 the lens open, isn't that right?

25 A. Yes, sir.

1 Q. You leave it open two seconds, you're going to get a
2 different picture than if you leave it open 30 seconds,
3 isn't that right?

4 A. Yes, sir.

5 Q. And if you leave it open 60 seconds, you're going to
6 get a different photograph than you got when you left it
7 open 30 seconds, isn't that right?

8 A. Yes, sir.

9 Q. Are you telling this jury, Mr. Carricker that that's
10 the best light you could get out there with the night
11 photograph?

12 A. That's the photograph as it appeared to me when I
13 photographed it.

14 Q. Where are your other ten photographs, Mr. Carricker?

15 A. They are in the studio. They are all alike.

16 Q. I want to show you some photographs, Mr. Carricker,
17 if you don't mind, okay? Photographs that were taken at
18 two-thirty this morning. Do you mind looking at those
19 photographs for me?

20 MR. FERGUSON: Your Honor, I object to Mr.

21 Saunders testifying as to when the photographs were taken.

22 THE COURT: Well, sustained as to when they were
23 taken. Members of the jury, don't consider the statement of
24 counsel as to when they were taken.

25 (Photographs are shown to the defense counsel by

1 Mr. Saunders.)

2 THE COURT: If you intend to show those to this
3 witness, they need to be marked.

4 MRS. BRANCH: We're marking them at this time.

5 Q. Mr. Carricker, let me hand you a photograph that I've
6 marked for purposes of State's Exhibit 16 and ask you to
7 examine that photograph.

8 Do you recognize the people in that photograph?

9 A. I don't know the people, no, sir.

10 Q. Miss Hicks, would you stand up, please. Mr. McCoy,
11 would you stand up, please.

12 Are those the people in that photograph?

13 A. The blond may be the one. I'm not sure about the
14 other one.

15 Q. Mr. Carricker, would you be surprised if I told you
16 that photograph was taken --

17 MR. STEIN: Objection to --

18 THE COURT: Sustained.

19 Q. Did you estimate how far that photograph -- those
20 people were from the photograph, Mr. Carricker?

21 A. No, Sir.

22 Q. Would you be surprised if I told you it was 50 feet?

23 A. Sir?

24 Q. Would you be surprised if I told you it was 50 feet?

25 MR. FERGUSON: Objection.

1 THE COURT: Sustained.

2 Q. Can you make out the race of those people?

3 A. The blond I can.

4 Q. Can you make out the sex of those people?

5 A. If I assume that females all have long hair, I can.

6 Q. Okay. Well, I think the purposes of this
7 identification, Mr. Carricker, you can assume that, okay?

8 MR. STEIN: Objection to his testimony.

9 THE COURT: Sustained.

10 Q. Can you tell what those people are wearing?

11 A. Slacks.

12 Q. And if you had known those people several years
13 before, Mr. Carricker, you think you could pick those people
14 out?

15 MR. FERGUSON: Objection.

16 THE COURT: Sustained.

17 Q. Mr. Carricker, let me show you what I've marked for
18 purposes of identification as State's (Exhibit number 17) and
19 ask you if you can identify it, sir.

20 A. I can identify the blond. Only because she has long
21 blond hair, I can identify her.

22 Q. Is that Miss Hicks sitting over here?

23 A. I believe so.

24 Q. Is that Mr. McCoy sitting here?

25 A. I couldn't tell.

1 Q. You couldn't tell?

2 A. No, sir.

3 Q. By looking at that?

4 A. No, sir.

5 Q. Would you estimate how far those people are away from
6 the camera on that night?

7 A. Fifteen, 20 feet.

8 Q. Would you be surprised if I told you they were 30
9 feet away?

10 MR. FERGUSON: Objection.

11 THE COURT: Sustained.

12 Q. Can you tell the race of those people, Mr. Carricker?

13 A. The blond is a caucasian; the other one, I couldn't
14 swear to.

15 Q. Can you tell the sex of those people?

16 A. One female.

17 Q. Can you tell what those people are wearing?

18 A. Slacks.

19 Q. Those pictures a little bit lighter than yours,
20 aren't they, Mr. Carricker?

21 A. Yes, sir. I've never seen light colored sky at
22 night.

23 Q. Is that right?

24 A. No.

25 A. I suggest to print the pictures down so the sky is

1 black at night.

2 Q. And what do you mean by that?

3 A. You're supposed to print longer until the sky is
4 black.

5 Q. That's all this is, isn't it, is just exposure, isn't
6 it?

7 A. It's reproducing an image as I saw it.

8 MR. SAUNDERS: Your Honor, I ask that these two
9 photographs be passed among the jury.

10 MR. FERGUSON: Well, objection to that.

11 THE COURT: Sustained.

12 MR. SAUNDERS: That's all the questions I have.

13

14 REREDIRECT EXAMINATION BY MR. STEIN:

15 Q. Mr. Carricker, with respect to the photographs that
16 Mr. Saunders just asked you about, was the sky that was
17 shown in those photographs the same as the sky you saw last
18 week when you were out on Claremont Avenue?

19 A. No, sir.

20 Q. How did they differ?

21 A. The sky that I saw was completely black except for
22 some stars.

23 Q. And in those photographs?

24 A. My sky is black.

25 Q. In the photographs he showed you?

1 A. The sky is white as though it were dusk.

2 MR. STEIN: Bear with us just a moment, Your
3 Honor.

4 (Conference at the defense table.)

5 MR. STEIN: That's all we have, Your Honor.

6
7 RERECROSS EXAMINATION BY MR. SAUNDERS:

8 Q. Are you suggesting that these photographs were taken
9 at dusk rather than two-thirty, Mr. Carricker?

10 A. I don't know when they were made. But the sky is
11 dark at two-thirty.

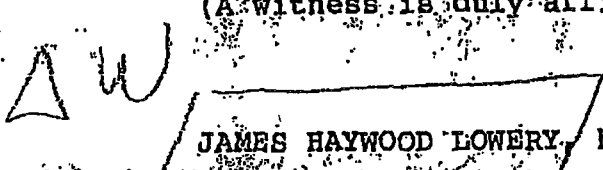
12 MR. SAUNDERS: Okay. You can come down.

13 MR. FERGUSON: Mr. James Lowery. Would you come
14 around, please, sir.

15 MR. SAUNDERS: Your Honor, may we approach the
16 bench?

17 (Conference at the bench.)

18 (A witness is duly affirmed.)

19
20  JAMES HAYWOOD LOWERY, having been duly affirmed to
21 state only the truth, testified on his oath as follows during:

22 DIRECT EXAMINATION BY MR. FERGUSON:

23 Q. What is your name, please, sir?

24 A. James Haywood Lowery.

25 Q. Mr. Lowery, where do you live now?

TESTIMONY OF JAMES LOWERY

1 A. The sky is white as though it were dusk.

2 MR. STEIN: Bear with us just a moment, Your
3 Honor.

4 (Conference at the defense table.)

5 MR. STEIN: That's all we have, Your Honor.

6
7 RERECROSS EXAMINATION BY MR. SAUNDERS:

8 Q. Are you suggesting that these photographs were taken
9 at dusk rather than two-thirty, Mr. Carricker?

10 A. I don't know when they were made. But the sky is
11 dark at two-thirty.

12 MR. SAUNDERS: Okay. You can come down.

13 MR. FERGUSON: Mr. James Lowery. Would you come
14 around, please, sir.

15 MR. SAUNDERS: Your Honor, may we approach the
16 bench?

17 (Conference at the bench.)

18 (A witness is duly affirmed.)

19
20 JAMES HAYWOOD LOWERY, having been duly affirmed to
21 state only the truth, testified on his oath as follows during:

22 DIRECT EXAMINATION BY MR. FERGUSON:

23 Q. What is your name, please, sir?

24 A. James Haywood Lowery.

25 Q. Mr. Lowery, where do you live now?

1 A. 1611 25th Street, Northeast.

2 Q. Where did you grow up, Mr. Lowery?

3 A. 1817 North Claremont.

4 Q. Mr. Lowery, I want to take you back to 1983 and
5 particularly, the month of September of 1983. Did you own
6 and operate a store?

7 A. Yes, sir.

8 Q. Where was that store located?

9 A. 1401 East 18th Street.

10 Q. And where is that in relation to Claremont Avenue?

11 A. It's in the same -- it's within that -- in the same
12 block. Right the corner of 18th and Claremont.

13 Q. Right on the corner of 18th and Claremont? ✓

14 A. Right.

15 Q. Now, as you go from 19th Street to 18th Street, would
16 your store be on right-hand side or left-hand side?

17 A. It would be on left-hand side.

18 Q. On left-hand side.

19 A. Facing 18th Street.

20 Q. All right, sir. What kind of store was it that you
21 operated, Mr. Lowery?

22 A. A little convenience store, just had canned goods and
23 stuff like that in it.

24 Q. What hours did you operate the store?

25 A. My daughter, most times she run it. But most times

1 she was closed by seven o'clock.

2 Q. By seven o'clock in the evening?

3 A. Yes. Used to stay open a little later but some guy
4 came in there during the day and put a knife around her
5 throat and robbed her, so she started closing early.

6 Q. And in September of 1983, what time was she closing?

7 A. Closing about seven, sometimes early. Depends on
8 when it was getting dark.

9 Q. When you or your daughter closed the store down, what
10 lights did you leave on, if any, at the time you closed
11 down?

12 A. Well, we had a little light in there on a clock we
13 left on. At first I left the light on the front, but the
14 people would punch it out, you know, so we stopped using it.
15 We left the light in the store about the size of that
16 existing light up there.

17 Q. Was this light on the inside of the store or the
18 outside?

19 A. Right, on the inside.

20 Q. On the inside of the store?

21 A. Right.

22 Q. What light did that light shed on the outside of the
23 store?

24 A. You could tell was lit up in the store. Didn't show
25 much light outside because was small. It was on a clock.

1 Q. Now, Mr. Lowery, you say you grew up in that area in
2 the vicinity of Claremont Avenue between 19th and 18th
3 Street over there?

4 A. That's right. We moved in the early forties. That
5 was a good neighborhood then.

6 Q. Yes, sir. Where is the house that you grew up in in
7 relationship to where Ezelle's drinkhouse used to be?

8 A. Right across the street.

9 Q. Mr. Lowery, during 1983, did you ever have occasion
10 to walk up Claremont Avenue at nighttime?

11 A. You don't -- you didn't walk over there where those
12 drinkhouses is because if you works people would rob you and
13 people didn't work -- didn't know they didn't have anything,
14 but if you walk up the street at night, they rob you. And I
15 moved from 18th Street over near about where I live. Over
16 where those dope houses is, if you walked out there, you
17 better have a pistol, don't, you going to get hurt.

18 Q. For you yourself, did you ever have occasion to see
19 what Claremont Avenue looked like late at night?

20 A. Oh, yeah. I was raised up over there. I remember
21 one night it was in the winter time and I heard --

22 THE COURT: Let's don't go into that.

23 Q. Yes, sir. You have seen the area at nighttime.
24 That's really my question.

25 A. Right.

1 Q. All right. Looking from 19th Street towards 18th
2 Street on Claremont Avenue, in the late hours of the night,
3 what distance can you see to identify people, Mr. Lowery?

4 A. About not over 25 feet. Close as six feet away, you
5 can't tell who they are unless you know their walk, could
6 see them walk.

7 Q. Yes, sir. Have you ever had occasion yourself to try
8 to see people at night on Claremont Avenue late at night
9 after dark?

10 A. Just like I was telling you about that incident, it
11 was about six feet away and I knew the girl and boy, but I
12 couldn't tell who she was until she got closer and it wasn't
13 about six feet away. I think he making time for that now.

14 MR. FERGUSON: Yes, sir. Indulge me just one
15 minute.

16 (Conference at the defense table.)

17 MR. FERGUSON: Thank you for answering my
18 questions, Mr. Lowery. That's all I have.

19
20 CROSS EXAMINATION BY MR. SAUNDERS:

21 Q. What kind of store did you have, Mr. Lowery?

22 A. A little convenience store. Canned goods and, you
23 know.

24 Q. And you knew in your -- you and your daughter were
25 the owners of that store?

1 A. I was owner. She was running it because I worked.

2 Q. And do you know about how much inventory was in
3 September of 1983, Mr. Lowery?

4 A. No, I couldn't tell you right off.

5 Q. Would you give me an estimate or guess, dollar value
6 of inventory?

7 A. A little over two thousand dollars, I guess.

8 Q. Two thousand dollars?

9 A. I guess so.

10 Q. Now, some of your neighbors out there -- strike that.
11 You say in the forties it was a good neighborhood?

12 A. Yes, when I was a kid. Didn't have no problem, could
13 do anything you wanted to did.

14 Q. When you was a kid, it was a good neighborhood?

15 A. Right.

16 Q. And after you got grown, drinkhouses kind of took
17 over the neighborhood, didn't they?

18 A. Right.

19 Q. And it wasn't very safe in the neighborhood, was it?

20 A. No.

21 Q. People didn't tell on one another?

22 A. No, don't tell on each other.

23 Q. And that was kinda a way of life in that
24 neighborhood, wasn't it?

25 A. Kind of rough.

1 Q. Kind of rough. Told on somebody, you had to worry
2 about them coming and getting you, didn't you?

3 A. That's right.

4 MR. FERGUSON: Objection.

5 THE COURT: Well, sustained.

6 Q. Now, you say you had a robbery at your store one
7 night?

8 A. One day. It wasn't in the night, it was daytime. ✓

9 Q. Right during the daytime?

10 A. Right.

11 Q. And when was that?

12 A. I can't recall the date. But the fellow come in
13 there and put a knife around my daughter's throat and robbed
14 her in broad open daylight.

15 Q. Beg pardon?

16 A. It was daylight.

17 Q. Was she hurt?

18 A. No, he didn't hurt her, he just got the money out of
19 the cash register.

20 Q. And do you remember when that was?

21 A. I can't remember when it was.

22 Q. Do you remember whether it was before September of
23 '83 or after September of '83?

24 A. I don't remember that either. They didn't do nothing
25 about it no way, though.

1 Q. And some of your neighbors out there have bars on
2 their windows, don't they, Mr. Lowery?

3 A. I think I recall one house, that's one opposite from
4 store this fellow worked at the airport. I think he got
5 bars on them. Other people can't afford them, they don't
6 know how to put them up. I had bars on my store. They
7 didn't go through that. They could go through the door but
8 couldn't go through the window.

9 Q. You had bars on your store as well?

10 A. Inside and outside.

11 Q. And you did that for security reasons, didn't you?

12 A. Right, because people break in.

13 Q. And there was also a light outside your store that
14 you had on, isn't that right?

15 A. Naw, I didn't burn no light on the store. There was
16 one across the street on the pole. I have burned it at
17 night first, but after they start knocking it out, I left it
18 out.

19 Q. That's what I mean. There was a light you burned
20 outside your store?

21 A. Naw.

22 Q. Until they will punched it out?

23 A. Yes, they punched it out.

24 Q. Well, there was a light on outside your store?

25 A. Yes, about 75 watt bulb with a hood on it.

1 Q. And that was for security, too, so your store with
2 would be in light in case somebody tried to break in, isn't
3 that right?

4 A. Most people turn it on, and started turning on, it
5 didn't last about a week; they punched it out, so I just cut
6 it off.

7 Q. And how long did you own that store?

8 A. Well, I guess about six or seven year. My daughter
9 got tired of running it; after that guy robbed her, she got
10 scared and she wanted to give it up.

11 Q. When did you buy that store?

12 A. I believe in early -- about '80, I think, I bought it
13 from Home Real Estate.

14 Q. But at some point, you used to have a light on
15 outside of your store, is that right?

16 A. Yes. It last about a week, just like I said. They
17 punched it out so I just left it out.

18 Q. Now, in 1983, your building was right there at the
19 street, wasn't it?

20 A. Yes, right. Facing 18th Street.

21 Q. And the street light that was right across from --

22 A. Yeah, right.

23 Q. -- from your store would block the light, wouldn't
24 it; kind of diffuse the light out there in the middle of the
25 street, wouldn't it?

1 A. Well, you could put it that way. That light sit --
2 it would actually shine in front of the store anyway, so I
3 didn't need no store light on no way.

4 Q. And that light made enough light that it shined all
5 the way in the front of your store, didn't it?

6 A. You know how those street lights are, they are not
7 very bright. But you could tell there was a light there a
8 little bit.

9 Q. And your store was on opposite side of the street
10 from the street light, isn't that right?

11 A. Right.

12 Q. And when did you know you were going to testify in
13 this case, Mr. Lowery?

14 A. I didn't know I was going to testify. I thought I
15 was going to come in here and give a statement about how the
16 lights were -- how much light, you know, how far you could
17 see over in there. I thought that was all. I didn't know I
18 was going to testify at all. If I had, I would have dressed
19 better than this.

20 Q. You were only contacted last night, isn't that right?

21 A. That's right.

22 Q. Who contacted you?

23 A. Larry Little contacted me because he knew my brother.

24 Q. Larry Little contacted you, is that right?

25 A. Right.

1 Q. Larry Little is in charge of the Darryl Hunt defense
2 committee, isn't he?

3 MR. FERGUSON: Objection.

4 THE COURT: Sustained. ✓

5 A. I don't know. I don't know. I don't fool with that
6 stuff.

7 Q. You don't fool what that stuff?

8 A. No. I go to church.

9 MR. SAUNDERS: That's all the questions I have.

10

11 REDIRECT EXAMINATION BY MR. FERGUSON:

12 Q. Mr. Lowery, you talked to me on the telephone last
13 night before anyone came to see you?

14 A. Right.

15 Q. And did I tell you that my investigator, Mr. Burns,
16 would be there?

17 A. Right.

18 Q. And someone would be showing him how to get there?

19 MR. SAUNDERS: Object to that.

20 THE COURT: Overruled.

21 A. Right.

22 Q. And did you talk to Mr. Burns last night?

23 A. Yes.

24 Q. This gentleman right here?

25 A. Right.

1 Q. And when you came to the courthouse this morning, did
2 you need me?

3 A. Right.

4 Q. And did you talk to me?

5 A. Yes, I talked to you down in another room.

6 Q. And after I talked to you, is that when I told you I
7 would like for you to come in court and testify?

8 A. Yes.

9 Q. And that I have --

10 MR. SAUNDERS: Object.

11 THE COURT: Sustained what was said before court.

12 MR. SAUNDERS: Ask the jury disregard it.

13 Q. Mr. Lowery, are you familiar with the habit or
14 customs of people along the Claremont Avenue there in 1983
15 as to whether they kept their porch lights on late at night?

16 A. Naw, they don't burn porch lights. They still don't
17 burn them because that run your light bill up and people
18 over in there are poor and they can't afford to burn them.

19 MR. FERGUSON: Thank you, Mr. Lowery. Those are
20 all the questions I have.

21 THE COURT: Call your next witness.

22 MR. STEIN: Your Honor, we offer Defendant's
23 Exhibits three and four, the nighttime photographs.

24 MR. SAUNDERS: Object.

25 THE COURT: All right.

TESTIMONY OF CARL SCHULTE

1 Q. And when you came to the courthouse this morning, did
2 you need me?

3 A. Right.

4 Q. And did you talk to me?

5 A. Yes, I talked to you down in another room.

6 Q. And after I talked to you, is that when I told you I
7 would like for you to come in court and testify?

8 A. Yes.

9 Q. And that I have --

10 MR. SAUNDERS: Object.

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14 customs of people along the Claremont Avenue there in 1983
15 as to whether they kept their porch lights on late at night?

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17 burn them because that run your light bill up and people
18 over in there are poor and they can't afford to burn them.

19 MR. FERGUSON: Thank you, Mr. Lowery. Those are
20 all the questions I have.

21 THE COURT: Call your next witness.

22 MR. STEIN: Your Honor, we offer Defendant's
23 Exhibits three and four, the nighttime photographs.

24 MR. SAUNDERS: Object.

25 THE COURT: All right.

1 MR. FERGUSON: Excuse me, Your Honor, may this
2 witness be excused.

3 MR. SAUNDERS: We have no objection.

4 THE COURT: You're free to leave. Call your next
5 witness.

6 MR. FERGUSON: Your Honor, would you indulge me
7 just a moment?

8 (Conference at the defense table.)

9 MR. FERGUSON: If Your Honor please, the defense
10 rests.

11 MR. SAUNDERS: We're going to have some rebuttal,
12 Your Honor, but it will take us a few minutes to get the
13 people lined up. I thought Mr. Ferguson might have one or
14 two other witnesses.

15 THE COURT: Members of the jury, we're going to
16 go ahead and take our morning break at this time. If you'll
17 follow my prior instructions, please, be back in place in 15
18 minutes -- why don't we take 20 minutes. Give them time to
19 see if they have any other evidence to offer. Take 20
20 minutes.

21 (At 10:10 AM, a mid-morning recess is had.)

22 (At 11:14 AM, the mid-morning recess is ended.

23 The jury is brought into open court.)

24 THE COURT: All right, go ahead.

25 MR. SAUNDERS: State will call Carl Schulte, your

Honor.

(A witness is duly sworn.)

S's Rel.

CARL F. SCHULTE, having been duly sworn to state

only the truth, testified on his oath as follows during:

DIRECT EXAMINATION BY MR. SAUNDERS:

Q. State your name, please, sir.

A. Carl F. Schulte.

Q. And Mr. Schulte, by whom are you employed?

A. Winston-Salem Police Department. ✓

Q. And in what capacity, sir?

A. I'm a police technical specialist with the
identification unit. >

Q. And you have occasion to take photographs for the
Winston-Salem Police Department? >

A. Yes, sir, I do.

Q. Directing your attention to the early morning hours
of today --

A. Yes, sir.

Q. -- Mr. Schulte, did you have occasion to go anywhere
in your course of employment with the Winston-Salem Police
Department?

A. Yes, sir.

Q. Where did you go, sir?

A. To the 1800 block of North Claremont.

1 Q. And approximately what time of day or night did you
2 arrive there, sir?

3 A. Approximately two-thirty this morning.

4 Q. And after you arrived there, did you take a series of
5 photographs?

6 A. Yes, sir, I did.

7 Q. What kind of background do you have in photography,
8 Mr. Schulte?

9 A. I've been taking photographs with the Winston-Salem
10 Police Department for over 16 years.

11 Q. And is there any difference between day photography
12 and night photography?

13 A. Yes, sir.

14 Q. Could you just kind of tell us what the difference is
15 in your own words?

16 A. Nighttime photography for the police department
17 usually entails the use of a artificial light source to take
18 the photograph.

19 Q. And why is that?

20 A. Because there is not enough natural light found at
21 night to enable us to take photographs.

22 Q. And why -- do you normally take photographs at night?

23 A. Preponderance of our photographs are made at night.

24 Q. And is there anything tricky about taking photographs
25 at night?

1 MR. FERGUSON: Objection.

2 THE COURT: Well, sustained.

3 Q. Anything unusual about taking photographs at night?

4 MR. FERGUSON: Objection to that.

5 THE COURT: Overruled.

6 A. Other than that we normally use an artificial light
7 source and we're limited to about no more than 25 feet with
8 that artificial light source.

9 Q. And why is that?

10 A. Because the -- after 25 feet, we lose our color and
11 the detail.

12 Q. Mr. Schulte, I'm going to hand you a photograph that
13 I marked for purposes of identification State's Exhibit
14 number 16 and ask you if you can identify it, sir.

15 A. Yes, sir.

16 Q. And what is State's Exhibit number 16?

17 A. It's a photograph I took this morning of Sergeant
18 McCoy and Officer Hicks in the 1800 block of North
19 Claremont.

20 Q. And how far was the camera away from Officer Hicks
21 and Sergeant McCoy?

22 A. Approximately 30 feet.

23 Q. And let me hand you State's Exhibit number 17 and ask
24 you if you can identify it, sir.

25 A. Yes, sir.

1 Q. And what is State's Exhibit number 17?

2 A. This is a picture of Sergeant McCoy and Officer Hicks
3 also taken at the same time. And I have made a mistake of
4 between the two photographs.

5 THE COURT: Made a statement of what?

6 THE WITNESS: Between the two photographs.

7 Q. What is that mistake?

8 A. The first one you handed me was at 50 feet.

9 Q. And the second one, State's Exhibit number 17 is from
10 what distance?

11 A. 30 feet.

12 Q. Now, can you recognize Officer Hicks and Sergeant
13 McCoy in those photographs?

14 A. Yes, sir, I can.

15 Q. Now, those photographs appear to be -- have some
16 light in them, is that correct?

17 A. I don't understand your question.

18 Q. Well, are those photographs -- let me ask you to come
19 over here and State's Exhibit -- strike that -- Defendant's
20 Exhibit number three and four, with those photographs, Mr.
21 Schulte.

22 MR. STEIN: Your Honor, may we approach the
23 bench?

24 THE COURT: Yes.

25 (Conference at the bench.)

1 A. In the case of taking an exposure like this of such a
2 long duration, the movement of the subject will cause the
3 picture to be blurry.

4 Q. And Mr. Schulte, did you take any photographs using
5 400 millimeter film with a 30 second exposure?

6 A. I took photographs with 400 A. S. A. film with a 30
7 second exposure.

8 Q. And why did you do that, sir?

9 A. At your request.

10 (Photographs are shown to defense counsel by Mr.
11 Saunders.)

12 Q. Mr. Schulte, did you also take some photographs last
13 night with car headlights on as well?

14 A. Yes, sir.

15 Q. And do you remember who was out there last night
16 while you were taking these photographs?

17 A. Some of them, yes.

18 Q. Would you tell us who you remember being out there,
19 please, sir?

20 A. Officer Weavil, Officer Spillman, Officer Hicks,
21 Sergeant McCoy, Sergeant Newsome, you were, the woman
22 sitting next to you, and I believe two or three -- one or
23 two more police officers. I can't remember the name.

24 Q. Can you get a nighttime photograph to come out about
25 the way you wanted it to?

1 MR. FERGUSON: Objection.

2 THE COURT: Sustained.

3 Q. Well, Mr. Schulte, I'm going to hand you four
4 photographs which I've marked as State's Exhibits number 18,
5 number 19, number 20, and number 21, sir, and ask you to
6 look at those photographs and tell me whether or not you
7 recognize those photographs.

8 A. Yes, sir, I do.

9 Q. Are those the photographs that you took last night?

10 A. Yes, sir, they are.

11 Q. And are those the these the photographs that you took
12 at -- using 400 A. S. A. millimeter film at 30 second
13 exposure?

14 A. Yes, sir.

15 Q. And did you take them with same equipment that you
16 took State's Exhibits 16 and 17?

17 A. Yes, sir.

18 Q. What kind of camera did you use?

19 A. Model 500 C. Hasselblad with an 80 millimeter lens.

20 Q. And of course, State's Exhibits number 18, 19, 20 and
21 21, do they fairly and accurately represent the pictures
22 that you took last night?

23 MR. STEIN: Objection to that.

24 THE COURT: Overruled.

25 Q. And they fairly and accurately represent the subjects

1 them?

2 A. Yes. You can read the street signs, identify the
3 cars, the houses, the street.

4 Q. And that would be because what reason?

5 A. They are not moving.

6 MR. SAUNDERS: Your Honor, would like to pass
7 State's Exhibits number 16 through 21 to the jury.

8 THE COURT: All right.

9 MR. FERGUSON: Objection.

10 THE COURT: Overruled.

11 (Photographs are handed to the jury by the
12 bailiff. Time is allowed for the jury to view the
13 photographs.)

14 Q. Mr. Schulte, I believe you indicated you didn't use
15 artificial light at all?

16 A. Only the light found on the street by the street
17 light and by the headlight of a car.

18 Q. Defendant's Exhibits three and four are taken with
19 400 A. S. A. millimeter film at 30 second exposure, can you
20 tell us why these would be so dark and yours would be light?

21 MR. FERGUSON: Objection.

22 THE COURT: Overruled.

23 A. I would assume they wanted them to be dark.

24 MR. FERGUSON: Move to strike that answer, if
25 Your Honor please.

1 THE COURT: Sustained. ✓ Members of the jury,
2 don't consider the last answer of this witness at all for
3 any purpose. Each of you disregard the answer given. If
4 there are any of you who cannot disregard the answer, if you
5 would let me know by raising your hand, please.

6 Let the record reflect no jurors raised their hand.

7 All right, thank you.

8 Q. Well, at -- using that type of film and at that
9 exposure, Mr. Schulte, and in taking a picture at night, how
10 would you -- what would you have to do differently to get
11 one to come out light and one to come out dark?

12 MR. FERGUSON: Objection.

13 THE COURT: Overruled.

14 MR. STEIN: Your Honor, may we approach the
15 bench?

16 THE COURT: Yes.

17 (Conference at the bench.)

18 Q. Mr. Schulte, using 400 A. S. A. millimeter film at 30
19 second exposure, what factors would have to be different for
20 a picture to come out like Defendant's Exhibit three and
21 four, those dark photographs, as opposed to the one you took
22 which are light?

23 MR. STEIN: Well, objection, Your Honor.

24 THE COURT: Overruled.

25 A. I really can't say what anybody else did to make

1 their pictures look any different from mine. I can only
2 tell you what I did to make mine look the way they are.

3 Q. What factors did you use to get yours to come out the
4 way they did?

5 A. I took into account the amount of light available and
6 determined an exposure appropriate to that condition to
7 render as much detail and accuracy in my pictures as I could
8 possibly get.

9 Q. Mr. Schulte, could you get a photograph at night and
10 show exactly what the human eye could see?

11 A. No, sir.

12 MR. SAUNDERS: We would tender this witness.

13
14 CROSS EXAMINATION BY MR. FERGUSON:

15 Q. Is that to say then, Mr. Schulte, that the
16 photographs you took last night do not reflect what the eye
17 saw last night, is that correct?

18 A. Not exactly, no, sir.

19 Q. How long have you served as a police technician with
20 the Winston-Salem Police Department?

21 A. For over 16 years.

22 Q. You were serving in that capacity in September of
23 1986, were you not?

24 A. Yes, sir.

25 Q. There are other photographs which have been

1 introduced by the State in this proceeding, namely State's
2 Exhibit number 10. You see that?

3 A. Yes, sir.

4 Q. State's Exhibit number nine which I show you. You
5 can see that?

6 A. Yes, sir.

7 Q. Did you take those photographs?

8 A. No, sir.

9 Q. Did a member of your department take those
10 photographs?

11 A. --

12 Q. A member of your division or department or whatever
13 you all the I. D. unit that you work with?

14 A. I don't know.

15 Q. Whatever capacity you had at two-thirty in the
16 morning last night, your department had in September of
17 1986, didn't they?

18 A. Yes, sir.

19 Q. And you didn't take any night photographs in
20 September of 1986, did you?

21 A. --

22 Q. Of this scene?

23 A. No, sir, I did not.

24 Q. Now, when were you first contacted about taking
25 photographs last night?

1 A. I was called at home I believe about seven or eight
2 o'clock in the evening.

3 Q. And with that notice, within a few hours, you were
4 able to be out at the scene at two-thirty in the morning?

5 A. They were just inquiring whether or not I was going
6 to be at work tonight.

7 Q. All right. Well, when were you told that you -- when
8 were you requested to make photographs at the scene?

9 A. Approximately two o'clock.

10 Q. So within 30 minutes, you were able to leave your
11 home and go out to the scene and take night photographs, is
12 that right?

13 A. No, sir. I was at work.

14 Q. You were at work?

15 A. Yes, sir.

16 Q. Well, wherever you were, you were able to do it on 30
17 minutes notice?

18 A. That's correct.

19 Q. Now, you said that in taking night photographs, there
20 are certain things you can do to get a particular result, is
21 that correct?

22 A. That's correct.

23 Q. And you, of course, did certain things with the
24 photographs you took last night to get a particular result,
25 didn't you?

1 A. Yes, sir.

2 Q. You looked at the sky while you were out there at two
3 o'clock in the morning, didn't you, two-thirty, whenever it
4 was?

5 A. Yes, sir.

6 Q. The sky didn't appear to be a light blue sky, did it?

7 A. No, sir.

8 Q. Would you say that the sky that appears on State's
9 Exhibit number 18 appears to be a bright sky?

10 A. If that's how you want to call it, yes, sir.

11 Q. Yes. That's not how the sky actually appeared to you
12 last night at two-thirty in the morning, is it?

13 A. No, sir.

14 Q. If you look at State's Exhibit number 21, that sky
15 also appeared to be quite blue, doesn't it?

16 A. Yes, sir.

17 Q. That's not how the sky appeared to you when you
18 looked at it last night, is it?

19 A. No, sir.

20 Q. And the same thing is true with State's Exhibit
21 number 20, isn't it, Mr. Schulte?

22 A. Yes.

23 Q. So you did certain things with your development to
24 make the sky appear as bright as you wanted it to be, isn't
25 that right?

1 A. I wasn't interested in what the sky looked like in my
2 photograph.

3 Q. All right. Looking at the figures, the people in
4 photograph number -- State's Exhibit number 21, you can't
5 make out any physical features on the people that you see
6 there, can you?

7 A. No, sir. They are blurred.

8 Q. They are blurred?

9 A. Right.

10 Q. And I believe you told the jury earlier that movement
11 of the people blurs the photograph, is that correct?

12 A. That's correct.

13 Q. Are you telling this jury, then, that all three of
14 these people in that photograph just happened to move at the
15 moment you shot the photograph?

16 A. With an exposure of 30 seconds, yes, it's quite
17 possible.

18 Q. If you look at State's Exhibit number 18, which is a
19 view of four people that appear to be blurred, doesn't it?

20 A. Yes, sir.

21 Q. And I suppose that blur came from movement of the
22 people as well, isn't that correct?

23 A. Yes, sir.

24 Q. So would you say to the jury that all four of the
25 people in that photograph all chose to move all together at

1 the moment you took that photograph, Mr. Schulte?

2 A. As I said earlier, in a 30 second exposure, it's hard
3 to get people to stand still.

4 Q. All right. So, out there at two-thirty in the
5 morning, you just couldn't get the subject to stand still
6 for you to take the photograph, is that right?

7 A. Correct.

8 Q. Did you tell them to make every effort to be still?

9 A. Yes, sir.

10 Q. And, now, who are these people who are in this
11 photograph? Miss Hicks in one; she couldn't be still, is
12 that right?

13 A. --

14 Q. Sir?

15 A. That's correct.

16 Q. You told her to be still and she couldn't be still,
17 isn't that right?

18 A. Yes, sir.

19 Q. And who is in the other one? Is Mr. Weavil in one of
20 them?

21 A. Yes, sir.

22 Q. You told him to be still and he couldn't be still?

23 A. Yes, sir.

24 Q. And is Mr. McCoy in one of them?

25 A. Yes, sir.

1 Q. You told him to be still and he couldn't be still?

2 A. Correct.

3 Q. Who else? Is Mr. Spillman in one of them?

4 A. I don't recall.

5 Q. All right, sir. So you don't -- did you seek any
6 members of the police department who could be still if you
7 told them to?

8 MR. SAUNDERS: Well, object to that, Your Honor.

9 THE COURT: Sustained.

10 Q. So the fact of the matter is, Mr. Schulte, that none
11 of those photographs represent actually what you saw when
12 you looked at that scene last night, do they? What you
13 actually saw with your eye, isn't that right?

14 A. They represent the picture as best a photograph could
15 under any conditions.

16 Q. I understand that, but they don't really represent --
17 you don't claim that those photographs represent what you
18 saw as you were looking at that scene last night, do you
19 with your human eye?

20 A. No.

21 (Conference at the defense table.)

22 Q. Now, does movement in a photograph also make people
23 appear to be bleached white?

24 A. No, sir.

25 Q. If you look at State's Exhibit number 18, that looks

1 bleached doesn't it? The figures in the photograph look
2 bleached white, doesn't it?

3 A. Yes, sir.

4 Q. I want you to look at Mr. McCoy over there. He
5 doesn't look bleached white, does he?

6 A. No, sir.

7 Q. You made him bleached white when you developed that
8 photograph, didn't you, Mr. Schulte?

9 A. No, sir.

10 Q. Well, he wasn't bleach white last night, was he?

11 A. No, sir.

12 Q. So that photograph just doesn't represent how he
13 appeared last night when you saw him, then, does it?

14 A. No.

15 MR. FERGUSON: That's all I have.

16
17 REDIRECT EXAMINATION BY MR. SAUNDERS:

18 Q. Did the sky look like Defendant's Exhibit three and
19 four last night, Mr. Schulte?

20 A. No, sir.

21 Q. The point of this whole exercise is you can
22 manipulate a photograph to make it turn out the way you want
23 it to, isn't that right?

24 MR. FERGUSON: Objection.

25 THE COURT: Well, sustained to manipulation.

1 MR. FERGUSON: No, Your Honor.

2 THE COURT: Let me talk to both of you while they
3 are examining the exhibits.

4 (Conference at the bench.)

5 THE COURT: All right, members of the jury, all
6 the evidence has been presented for both sides in the case.
7 The law of this state requires that prior to the arguments
8 of counsel to the jury, that court hold a pre-charge
9 conference and that that be done outside the presence of the
10 jury. I don't know, really, how long that will take. So as
11 to not inconvenience you, I'm going to allow you to go ahead
12 and go to lunch at this time. If you'll return at two
13 o'clock this afternoon, you'll hear the arguments of counsel
14 for the State and for the Defendant.

15 I want to caution you once again not to allow anyone
16 to talk to you; but if anyone does talk about the case in
17 your presence, move away from the area or tell that person
18 that you are on the jury and not to discuss the case in your
19 presence. Don't watch, read, or listen to any news media
20 concerning this case.

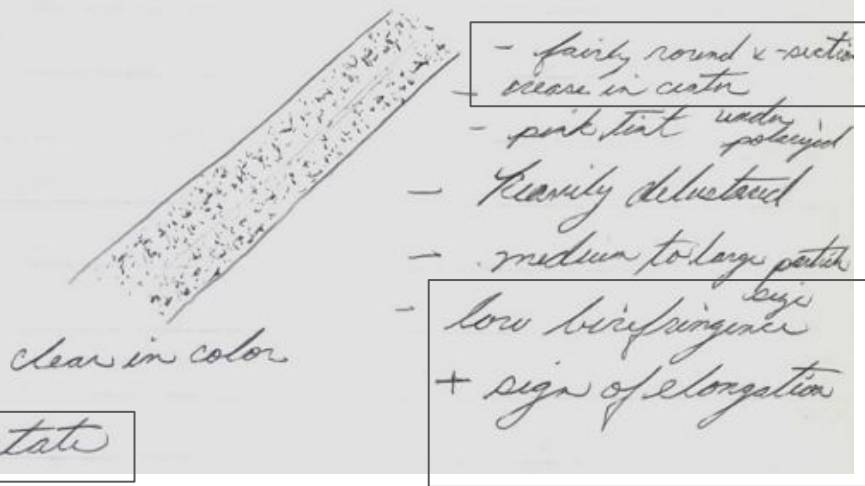
21 Don't form any opinion as to the guilt or innocence
22 of the defendant until you've heard the arguments of both
23 counsel, until you've heard me give you instruction and
24 you're in the jury room ready to deliberate the case among
25 yourselves. Keep a totally fair and open and impartial mind.

Handout 87

Exhibits show to Dr. Butts:

- Arthur Wilson Autopsy Report
 - Pages 61-69 in the brief
- Photos of the Ax Handle and the Victim
 - Pages 57-58, 70-72, 359 in the brief
- Phoebe Zerwick Articles
 - Pages 1528-1539 in the brief
- Dr. McCool's Testimony at Sammy Mitchell's Second Trial
 - Pages 727-744 in the brief
- Descriptions of the Attack on the Victim from Witnesses
 - Various pages throughout the brief (he was not provided any information that has not been provided to Commissioners)

Handout 88



Characteristic Features:

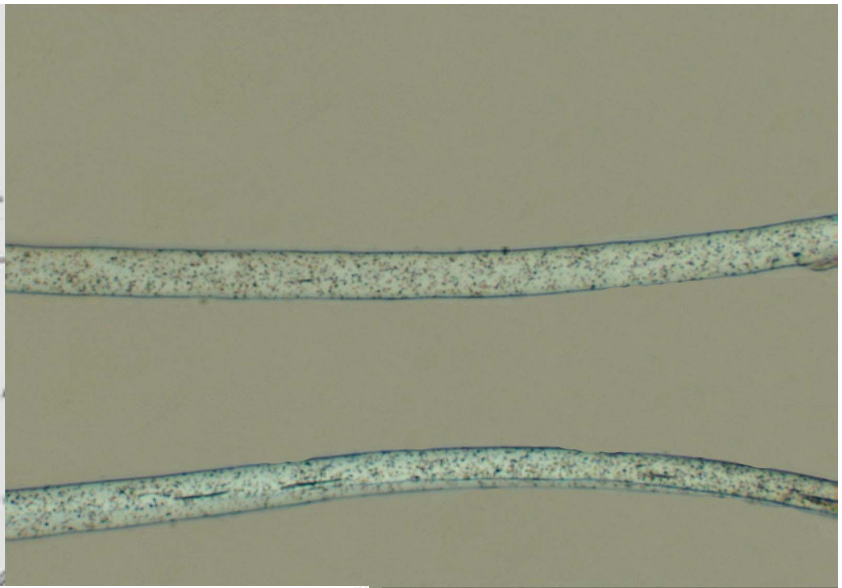
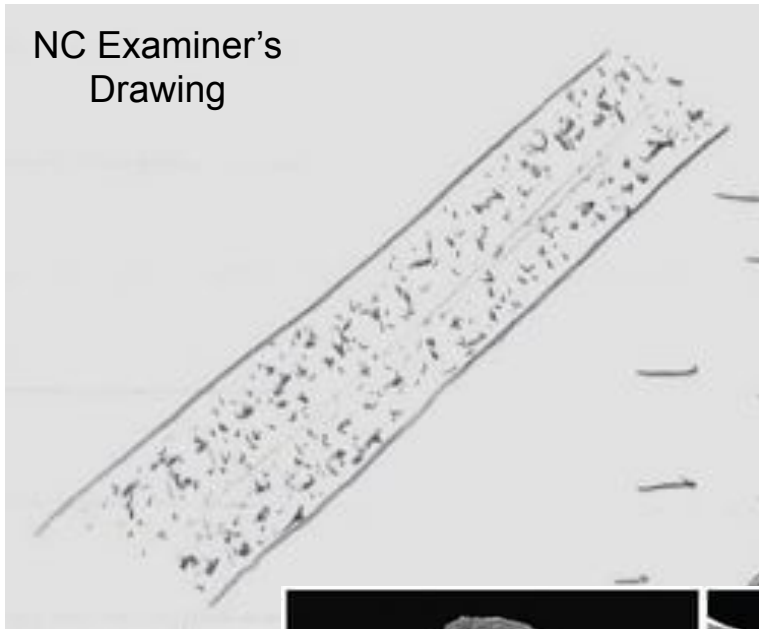
Acrylic fiber has a refractive index along its length of about 1.50 to 1.53 and perpendicular to its length of about 1.50 to 1.53. It has a birefringence of about 0.002 to 0.012 and a negative sign of elongation. It may exhibit slight irregular striations along its length due to the crinulate cross-section of the fiber, one depression along its length in the case of the dog-bone cross-section, or appear to vary in diameter due to a bean shaped cross-section.

Associated Particles:

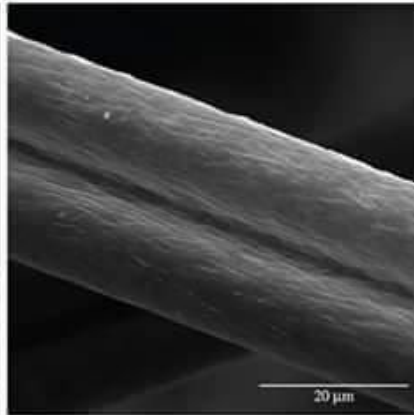
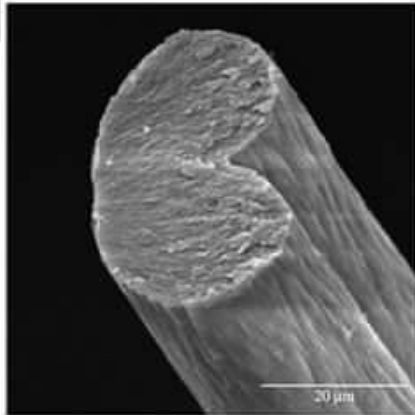
References:

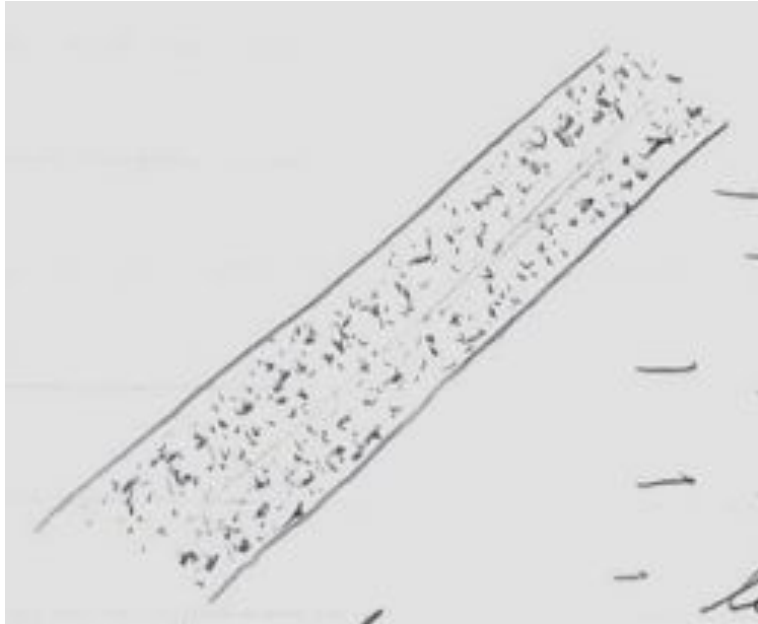
DuPont Company Technical Bulletin X-156: IDENTIFICATION OF FIBERS IN TEXTILE MATERIALS, December 1961.

NC Examiner's Drawing

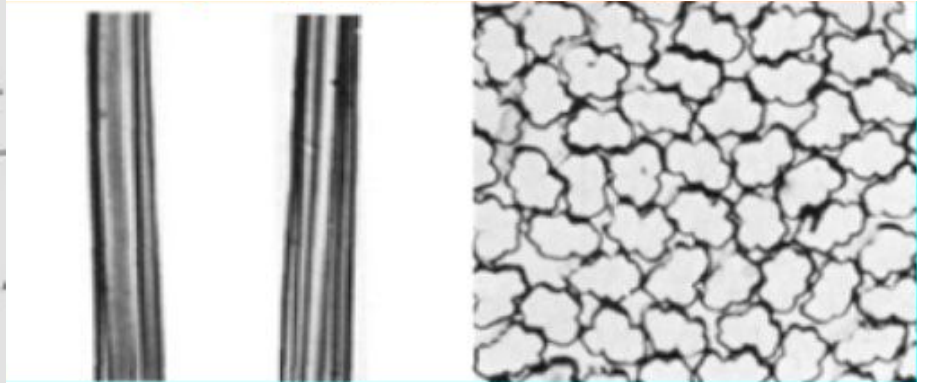


Acrylic ——— 50 micron





NC Examiner's
Drawing



Acetate fiber

Characteristic Features:

Acetate has a refractive index along its length of about 1.47 to 1.48 and perpendicular to its length of about 1.47 to 1.48. It has a birefringence of about 0.004 or lower and a negative sign of elongation. It exhibits irregular striations along its length due to the crenulated cross-section of the fiber.

Associated Particles:

References:

DuPont Company Technical Bulletin X-156: IDENTIFICATION OF FIBERS IN TEXTILE MATERIALS, December 1961.

Houck Report, B(a)4(b)ii: Acetate does not have a positive sign of elongation.

Handout 89

United States v. Belyea

United States Court of Appeals for the Fourth Circuit

October 28, 2005, Argued ; December 28, 2005, Decided

No. 04-4415

Reporter

159 Fed. Appx. 525 *; 2005 U.S. App. LEXIS 28835 **

UNITED STATES OF AMERICA, Plaintiff - Appellee,
versus JOSEPH ANDREW BELYEA, II, Defendant -
Appellant.

Notice: **[**1]** RULES OF THE FOURTH CIRCUIT COURT OF APPEALS MAY LIMIT CITATION TO UNPUBLISHED OPINIONS. PLEASE REFER TO THE RULES OF THE UNITED STATES COURT OF APPEALS FOR THIS CIRCUIT.

Prior History: Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-03-524).

Disposition: REMANDED WITH INSTRUCTIONS.

Core Terms

guns, confession, district court, chest, expert testimony, false confession, stolen, new evidence, jurors, new trial, theft, newly discovered evidence, actual possession, admissible, bedroom, firearm, harmless, factors, bonds, constructive possession, motion for a new trial, interrogation, possession of a firearm, newly discovered, excluding, possessed, drugs, stole, lock, user

Case Summary

Procedural Posture

Defendant was convicted of and sentenced for possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C.S. § 922(g)(3) by the United States District Court for the Eastern District of Virginia, at Alexandria. Defendant appealed his conviction and his sentence enhancement for obstruction of justice.

Overview

Defendant claimed that the district court erred in

excluding expert testimony on false confessions and in denying his motion for a new trial. The court initially held that the district court abused its discretion in excluding expert testimony on false confessions because it failed to make a particularized determination, pursuant to *Fed. R. Evid. 702* and *Daubert*, of whether jurors commonly know about false confessions as a particular form of lying and about specific factors that may correlate to false confessions as there was a possibility that defendant had made a false confession during his interrogation and defendant's confession was crucial to his conviction. The court further held that the district court abused its discretion in denying defendant's motion for a new trial under *Fed. R. Crim. P. 33* based on newly discovered statements by an accomplice that defendant did not participate in or even witness the theft of handguns because the newly discovered evidence undermined defendant's conviction for actual possession of a firearm by suggesting that the accomplice stole the guns on an entirely separate and later occasion than the occasion described at trial.

Outcome

The case was remanded to the district court. Defendant's appeal regarding his sentence enhancement was held in abeyance.

LexisNexis® Headnotes

Criminal Law & Procedure > ... > Standards of Review > Abuse of Discretion > General Overview

Evidence > Relevance > Preservation of Relevant Evidence > Exclusion & Preservation by Prosecutors

Evidence > ... > Testimony > Expert Witnesses > General Overview

HN1 Standards of Review, Abuse of Discretion

The appellate court reviews for abuse of discretion a district court's decision to exclude expert testimony.

Criminal Law & Procedure > ... > Standards of Review > Abuse of Discretion > General Overview

Evidence > Admissibility > Expert Witnesses

HN2 Standards of Review, Abuse of Discretion

Expert testimony is admissible under *Fed. R. Evid. 702* if it involves scientific, technical, or specialized knowledge that will assist the trier of fact to understand the evidence or determine a fact in issue. The testimony must be both reliable and relevant. While a trial court has broad discretion in deciding whether to admit expert testimony, it abuses this discretion if it makes an arbitrary decision or otherwise makes an error of law.

Evidence > Admissibility > Expert Witnesses > Daubert Standard

Evidence > Admissibility > Expert Witnesses > Helpfulness

HN3 Expert Witnesses, Daubert Standard

Daubert requires a nuanced, case-by-case analysis of whether the proposed expert testimony will assist the trier of fact. Rather than making broad generalizations about evidentiary value, a court must determine whether expert testimony will help the jury, given the facts in issue in the particular case.

Evidence > Admissibility > Expert Witnesses > Daubert Standard

Evidence > Admissibility > Expert Witnesses

HN4 Expert Witnesses, Daubert Standard

Fed. R. Evid. 702 and Daubert render inadmissible only testimony on matters obviously within common knowledge of jurors.

Criminal Law & Procedure > ... > Standards of

Review > Harmless & Invited Error > General Overview

HN5 Standards of Review, Harmless & Invited Error

Nine circuits have concluded or at least have suggested that appellate courts may raise the issue of harmlessness of an error sua sponte, depending on the length and complexity of the record, the certainty of harmlessness, and the prospect that reversal will result in protracted or futile proceedings.

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

HN6 Postconviction Proceedings, Motions for New Trial

A motion for a new trial based on newly discovered evidence should be granted only if: (1) the new evidence is in fact newly discovered; (2) facts are presented from which the court may infer due diligence on the part of the movant; (3) the evidence is not merely cumulative or impeaching; (4) the evidence is material to the issues involved; and (5) the evidence is of such a nature that it would probably result in an acquittal at a new trial. *Fed. R. Crim. P. 33*.

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

Criminal Law & Procedure > ... > Standards of Review > Abuse of Discretion > New Trial

HN7 Postconviction Proceedings, Motions for New Trial

An appellate court reviews a district court's denial of a *Fed. R. Crim. P. 33* motion for abuse of discretion.

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

HN8 Postconviction Proceedings, Motions for New Trial

In evaluating a motion for a new trial, the court must consider how the evidence was presented in the actual

trial, and not how it might be presented in some other trial.

Criminal Law & Procedure > Juries &
Jurors > Province of Court & Jury > General
Overview

HN9 Juries & Jurors, Province of Court & Jury

If the evidence supports different, reasonable interpretations, the jury decides which interpretation to believe.

Counsel: ARGUED: Jeremy Charles Kamens, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Alexandria, Virginia, for Appellant.

Erik Russell Barnett, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

ON BRIEF: Frank W. Dunham, Jr., Federal Public Defender, Alexandria, Virginia, for Appellant.

Paul J. McNulty, United States Attorney, Alexandria, Virginia, for Appellee.

Judges: Before WILKINS, Chief Judge, and MICHAEL and TRAXLER, Circuit Judges.

Opinion

[*526] PER CURIAM:

Joseph Belyea was convicted for possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3). Belyea appeals his conviction on the grounds that the district court erred in excluding expert testimony on false confessions and in denying his motion for a new [*2] trial based on newly discovered evidence. We remand for further consideration of these issues. Belyea also appeals his sentence enhancement for obstruction of justice, and we hold this issue in abeyance pending the outcome of the proceedings on remand.

I.

A.

In August 2001 Belyea attended a party hosted by Michelle Gay at her parents' home in Sterling, Virginia.

This was the only time Belyea ever visited the Gay home. The partygoers, including Belyea, took methamphetamine. Just over one year later, in October 2002, Michelle Gay's [*527] father, Ralph Gay, discovered that three guns were missing from a wooden hope chest in his bedroom. When Mr. Gay reported the matter to the police, it was discovered that two of his missing (or stolen) guns, a revolver and a semi-automatic handgun, had been found during the October 2001 search of a car belonging to a suspected drug dealer in Washington, D.C.

In August 2003 Special Agent Todd Friewald from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) interviewed Belyea about the suspected theft of Ralph Gay's guns. When Belyea's memory appeared to falter, Agent Friewald told Belyea two lies: that one of the stolen guns had been [*3] used in a murder in D.C. and that it bore only one fingerprint, Belyea's. Upon hearing these lies, Belyea was "pretty scared" and "continued to shake." J.A. 277. Friewald then warned Belyea that the authorities could hold him as a material witness in a D.C. jail, where "a skinny white boy like [Belyea] wouldn't last very long." J.A. 244. The agent suggested that Belyea could avoid D.C. jail by providing information on the guns.

Belyea ultimately confessed to Agent Friewald, stating that he had taken two guns, one revolver and one semi-automatic handgun, from the hope chest in the Gay bedroom, placed the guns in a laundry basket, and placed the basket in his car. He further confessed that he, Michelle Gay, and Michelle Gay's boyfriend at the time, Kevin Bruther, drove to a McDonald's in Sterling, Virginia, where Bruther traded the guns to a white male for drugs. Belyea renounced this confession at trial, however, claiming that he had made up most of it. At trial he highlighted inconsistencies between his confession and other trial evidence, including that three guns were stolen, not two, and that they were traded to Bruther's African-American drug dealer in Washington, D.C., not [*4] a white drug dealer in Sterling, Virginia.

Belyea was charged with possession of a stolen firearm in violation of 18 U.S.C. § 922(j) and possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3). Prior to trial Belyea moved *in limine* to introduce expert testimony on factors that correlate with false confessions. The district court rejected this motion on the ground that the testimony would not help the jury because "jurors [already] know people lie." J.A. 57. Because the court concluded only that testimony about confessions would not assist the

jury, it did not conduct a *Daubert* analysis on whether such testimony would be reliable. The court refused defense counsel's request to proffer the proposed testimony, explaining that the record was sufficient and that Belyea was otherwise free to argue at trial that the confession was false. At trial the court denied Belyea's renewed motion to admit the expert testimony after the government was allowed to elicit from Agent Freiwald that he had been trained not to use coercive interrogation tactics.

B.

Michelle Gay testified at trial [**5] that she was running out of drugs during the August 2001 party and, needing money to buy more, decided to cash some of her savings bonds. These bonds were locked away in her father's hope chest where his handguns were kept in their original Smith & Wesson factory boxes. When Ms. Gay could not find the key to the chest, she asked Bruther and Belyea to break into the chest for her. Although the two men tried picking the lock and unscrewing the back hinges, their efforts were unsuccessful. Michelle Gay then found the key and retrieved several bonds. According to her, "nobody touched anything in [the chest]" [**528] except for the bonds, J.A. 163; no one handled or stole the guns, though the firearms boxes were clearly visible when she opened the chest. The government introduced Belyea's confession that he took the guns from the hope chest during the party and that Bruther traded the guns for drugs.

Throughout trial and in the jury instructions, the government and the district court equated the possession element in Count One, possession of a stolen firearm, with that in Count Two, possession of a firearm by an unlawful user of a controlled substance, on the theory that "the act of the possession [**6] and the act of a gun becoming stolen really occurred at the same time." J.A. 357. The court limited the jury instructions on both counts to actual possession ("to have direct physical control over something," even if just for a moment), explaining that "if the jury accepts the confession as accurate, it is a confession to actual possession and to nothing else." J.A. 293. The court gave no instruction on constructive or joint possession despite the government's request.

The jury found Belyea not guilty on Count One (possession of a stolen firearm) but guilty on Count Two (possession of a firearm by an illegal drug user). Belyea moved for a new trial on the basis of newly discovered

evidence and the court's exclusion of expert testimony on confessions.

Belyea presented the newly discovered evidence at a posttrial hearing. Four of Bruther's acquaintances and one investigator from the Federal Public Defender's Office testified that Bruther had repeatedly and consistently said that he alone had stolen the guns from the hope chest in the Gay bedroom and that Belyea had had "zero involvement" in the theft. J.A. 380, 452. Bruther told one of these witnesses that he had lied to the ATF when [**7] he pinned the gun theft on Belyea because he (Bruther) was terrified of being sent back to prison, having just been released on an unrelated charge. Bruther began making these inculpatory comments about Belyea in the fall of 2002, months before either he or Belyea was interviewed about the gun theft, and Bruther continued making these comments until February 2003, when he committed suicide (a month before the post-trial hearing). His comments were "always the same," J.A. 451, with one minor inconsistency: he inflated the quantity of drugs for which he had traded the guns after being teased by his friends for making a bad deal.

According to the newly discovered evidence, the gun theft did not occur during the August 2001 party when Belyea was in the Gay house. Rather, the theft occurred on an entirely separate and later occasion, perhaps days after the party: Bruther and Michelle Gay were preparing to drive away from the Gay home when Bruther (alone) ran back inside, broke into the chest, and stole the guns without anyone else's knowledge or participation. Bruther said he chose Belyea as his fall guy because he knew that Belyea had a "bad past," J.A. 463, had been in the Gay bedroom [**8] where the hope chest was located, and had suggested to Bruther during their unsuccessful effort at the party to break into the chest that they remove the hinges rather than pick the lock.

The district court denied Belyea's motion for a new trial on grounds that the new evidence was neither material nor likely to result in an acquittal at a new trial. The court concluded that the "new evidence does not undermine the jury's verdict that Belyea possessed the firearms before they were stolen" — that he "exercised dominion and control over the firearms, at least before they were removed from the Gay bedroom." J.A. 517-18. The court thereby invoked the standard [**529] for constructive possession, not actual possession, even though the jury was never instructed on constructive possession. The court also declined to reconsider its exclusion of expert

testimony on the subject of confessions.

At sentencing Belyea objected to the two-level enhancement for obstruction of justice recommended in his presentence report. The court nonetheless imposed the enhancement upon finding that Belyea was "not truthful when he testified." J.A. 523.

Belyea now appeals.

II.

Belyea first argues that the district court erred by excluding expert testimony on factors that correlate with false confessions. HN1 We review for abuse of discretion the district court's decision to exclude this testimony. See, e.g., United States v. Crisp, 324 F.3d 261, 265 (4th Cir. 2003). HN2 Expert testimony is admissible under Rule 702 of the Federal Rules of Evidence if it involves scientific, technical, or specialized knowledge that will assist the trier of fact to understand the evidence or determine a fact in issue. The testimony must be both reliable and relevant. Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 589-92, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993); see also Kumho Tire Co. v. Carmichael, 526 U.S. 137, 147-49, 152, 119 S. Ct. 1167, 143 L. Ed. 2d 238 (1999). While a trial court has broad discretion in deciding whether to admit expert testimony, it abuses this discretion if it makes an arbitrary decision or otherwise makes an error of law. See United States v. Barile, 286 F.3d 749, 753 (4th Cir. 2002).

HN3 Daubert requires a nuanced, case-by-case analysis of whether the proposed expert testimony will assist the trier of fact. **[**10]** See Daubert, 509 U.S. at 591-92; United States v. Harris, 995 F.2d 532, 534-35 (4th Cir. 1993) (noting pre-Daubert trend of eschewing *per se* rules of inadmissibility and instead making particularized determinations). But see United States v. Prince-Oyibo, 320 F.3d 494, 500-01 (4th Cir. 2003) (noting that Daubert requires "nuanced evaluation" of evidence, but upholding *per se* ban in limited context of polygraph evidence). Rather than making broad generalizations about evidentiary value, a court must determine whether expert testimony will help the jury, given the facts in issue in the particular case.

The district court failed to make such a particularized determination here. The court's essential reason for excluding the expert testimony on false confessions was that "jurors know people lie." J.A. 57. This statement may be true as a general proposition, but it does not necessarily apply in this case; it does not mean that

jurors know that people *confess* falsely or that someone in Belyea's position may be more likely to do so. Jurors may know that people lie in everyday life or even sometimes under oath, particularly **[**11]** when they believe lying to be advantageous. Jurors may not know, however, that people lie on occasion to their own detriment by falsely confessing to crimes that they did not commit. The phenomenon of false confessions is counter-intuitive and is not necessarily explained by the general proposition that "jurors know people lie." See Advisory Committee Notes, Fed. R. Evid. 804(b)(3) (suggesting that statements against interest as rare); United States v. Smithers, 212 F.3d 306, 315-16 (6th Cir. 2000) (stating that district court was "simply wrong" for assuming that jurors know to be skeptical of eyewitness testimony when many factors affecting memory are counter-intuitive, complex, and not fully known by jurors).

The court's explanation here — that whether a confession is false is "something **[**530]** juries decide all the time, and I don't need an expert to help them in that respect" — suggests that expert testimony on false confessions is *never* admissible. J.A. 56. This approach is erroneous as a matter of law because it overlooks Daubert's general requirement for a particularized determination in each case. The court should **[**12]** have inquired into whether jurors commonly know about false confessions as a particular form of lying and about specific factors that may correlate to false confessions. See United States v. Lester, 254 F. Supp. 2d 602, 608 (E.D. Va. 2003) (noting that HN4 Rule 702 and Daubert render inadmissible only testimony on matters *obviously* within common knowledge of jurors). The specifics of this case mandate a particularized inquiry: a federal agent twice lied to Belyea during his interrogation; Belyea was a drug addict, in prison at the time on an unrelated charge, and admittedly terrified during the interrogation; and Belyea has suffered from clinical depression and behavioral problems throughout his life.

It appears to us that the expert in this case, Dr. Solomon Fulero, would have addressed whether and how these particular factors correlate to false confessions. Belyea's motion *in limine* states that "Dr. Fulero would testify that false confessions in fact occur, and that various techniques used by law enforcement agents, such as false accusations and false promises can influence a person's decision to confess falsely." J.A. 16. In addition, Dr. Fulero would apparently **[**13]** testify that "particular characteristics of the person interrogated, such as . . . anxiety problems, can affect the likelihood

that a confession is false." J.A. 16. The record on appeal is sparse, however, on Dr. Fulero's proposed testimony because the district court refused defense counsel's request to make a proffer of the testimony. Without more detailed information, it is impossible to determine whether the expert testimony would aid the jury in this case. But the limited record suggests that the testimony would be helpful by at least clarifying that some people, contrary to common sense, make false inculpatory statements. See United States v. Hall, 93 F.3d 1337, 1343-45 (7th Cir. 1996) (finding abuse of discretion where court excluded possibly critical expert testimony on personality disorder that made false confessions more likely). Accord United States v. Shay, 57 F.3d 126, 133-34 (1st Cir. 1995) (mental disorder).

The foregoing conclusions require us to remand the case to the district court for a more complete analysis of whether the expert testimony is admissible under *Daubert* and *Rule 702*; specifically, whether it would aid the jury [**14] in this case and, if so, whether it satisfies the *Daubert* factors for assessing the reliability of expert scientific or professional testimony. *Daubert*, 509 U.S. at 591-95; United States v. Dorsey, 45 F.3d 809, 813 (4th Cir. 1995). In conducting this analysis, the district court should take into account any other applicable evidentiary rules, including *Rule 403*. *Daubert*, 509 U.S. at 595.

If the district court determines on remand that Dr. Fulero's testimony should have been admitted, its erroneous exclusion at trial cannot be deemed harmless. The government has not raised the harmlessness issue in this appeal. However, HN5 [↑] nine other circuits have concluded or at least suggested that appellate courts may raise the issue of harmlessness sua sponte, depending on the length and complexity of the record, the certainty of harmlessness, and the prospect that reversal will result in protracted or futile proceedings. See, e.g., United States v. Gonzalez-Flores, 418 F.3d 1093, 1100-01 (9th Cir. 2005) (citing cases). Assuming without deciding that our circuit allows the harmlessness inquiry [**531] to be considered sua sponte [**15] and that the inquiry is appropriate in this case, we conclude (as we said above) that if Dr. Fulero's testimony is admissible, its exclusion was not harmless.

Belyea's confession was crucial to his conviction. See J.A. 516 (district court describing confession as "key evidence" against Belyea). Indeed, it is the only direct evidence that Belyea *actually possessed* the guns -- the theory of possession on which he was tried and

convicted. The remaining evidence, including that Belyea helped in the attempt to pick the lock of the chest and knew the style of the stolen guns, is far from definitive on the issue of actual possession.

Moreover, Belyea was not allowed to introduce potentially forceful evidence supporting his contention that his confession was false. The excluded expert testimony would have explored, among other factors, characteristics (such as anxiety problems) and interrogation techniques (such as false accusations) that make suspects more likely to confess falsely. Belyea was of course still able to challenge the confession at trial, for example by testifying that he made up most of it and by highlighting discrepancies between his confession and the remaining evidence [**16] of the crime. He was also given leeway to suggest that he was vulnerable at the time of his interrogation: he was in prison at the time, a drug addict, and lied to by the ATF agent. But he could not challenge the confession on a separate and potentially compelling ground. He could not explain that false confessions, while counter-intuitive, do in fact occur and are more likely to occur in certain circumstances, perhaps in the very circumstances of his case. This evidence would likely have altered the complexion of the case. See Smithers, 212 F.3d at 317.

Given the critical weight of Belyea's confession, we cannot say that any error in excluding Dr. Fulero's testimony on false confessions was harmless. See Shay, 57 F.3d at 134. We simply lack the requisite assurance that any error did not "substantially sway[]" the jury's judgment. United States v. Weaver, 282 F.3d 302, 314 (4th Cir. 2002) (internal quotation marks and citations omitted).

If the district court concludes on remand that Dr. Fulero's testimony should have been admitted, the error of excluding his testimony would not be harmless, and the court should enter an order [**17] granting a new trial pursuant to *Rule 33 of the Federal Rules of Criminal Procedure*.

III.

Belyea next argues that the district court erred in denying his motion for a new trial that was based on newly discovered statements by Bruther, who said that Belyea did not participate in or even witness the theft of Ralph Gay's handguns. HN6 [↑] A motion for a new trial based on newly discovered evidence should be granted only if: (1) the new evidence is in fact newly discovered;

(2) facts are presented from which the court may infer due diligence on the part of the movant; (3) the evidence is not merely cumulative or impeaching; (4) the evidence is material to the issues involved; and (5) the evidence is "of such a nature that it would probably result in an acquittal at a new trial." United States v. Lofton, 233 F.3d 313, 318 (4th Cir. 2000) (internal quotation marks and citation omitted); Fed. R. Crim. P. 33. HN7^(*) We review the district court's denial of a Rule 33 motion for abuse of discretion. United States v. Russell, 221 F.3d 615, 619 (4th Cir. 2000).

The district court denied **18 Belyea's motion on grounds that the new evidence was neither material to the issue of possession, nor would it probably result in an acquittal [*532] at a new trial. Specifically, the court reasoned that the new evidence does not undermine the trial evidence supporting Belyea's conviction on Count Two (possession of a firearm by a drug user), and for this reason the new evidence is immaterial to his conviction and would not probably result in an acquittal at a new trial. The court hinged these conclusions on a theory of constructive possession: that there was "more than sufficient evidence" at trial to support a finding that Belyea "exercised dominion and control over the firearms, at least before they were removed from the Gay bedroom." J.A. 516-17. Cf. United States v. Gallimore, 247 F.3d 134, 137 (4th Cir. 2001) (defining constructive possession). This evidence, the court said, is undisturbed by Bruther's newly discovered statements. The problem with this reasoning is that the court did not give a broad instruction on possession, one that covered both actual and constructive possession and both individual and joint possession.

Rather, the court limited the jury instruction **19 on both counts to actual possession, "to have direct physical control over something," on the theory that this is purely "an actual possession case"; the court's only elaboration on this instruction was that "momentary possession is sufficient." J.A. 292-94, 339, 342. Given this limited jury instruction, we must consider whether the newly discovered evidence undermines Belyea's conviction for *actual possession* of a firearm, not constructive possession. See United States v. Brodwin, 292 F. Supp. 2d 484, 494 (S.D.N.Y. 2003) HN8^(*) (in evaluating a motion for a new trial, "the court must consider how [the] evidence was presented in [the actual] trial, and not how it might be presented in some other trial").

When examined through the actual possession lens, the split verdicts -- acquittal on Count One, conviction on

Count Two -- suggest that the jury believed that Belyea actually possessed the guns in the Gay bedroom, even if just for a moment, before they were removed from the home. These jury verdicts belie the court's and prosecution's theory throughout trial that the evidence of possession for both counts is "obviously the same" and "the act of possession and the **20 act of the gun becoming stolen really occur at the same time." J.A. 310, 357. The district court, while conceding that the verdicts appear inconsistent in light of the trial theory, nonetheless characterized them as reasonable, and we do not question this characterization. See United States v. Murphy, 35 F.3d 143, 148 (4th Cir. 1994) HN9^(*) ("If the evidence supports different, reasonable interpretations, the jury decides which interpretation to believe.")

We nevertheless conclude that the newly discovered evidence undermines Belyea's conviction for actual possession. It suggests that Bruther stole the guns on an entirely separate and later occasion than the occasion described at trial, when Belyea and Bruther were trying to pick the lock of the hope chest during the party in an effort to access the bonds within. Rather, Bruther may have stolen the guns days or even weeks after the party in an altogether different scene: he and Michelle Gay were preparing to drive away from the Gay home when he ran back inside, alone. According to Bruther's repeated and generally consistent admissions, Belyea had "zero involvement" in this theft, "had nothing to do with it." J.A. 452, 462-63. Bruther **21 only implicated Belyea to law enforcement on one occasion because he knew that Belyea had a "bad past" and had been in the Gay bedroom once (during the incident described at trial), when the two men joined in an unsuccessful effort to break into the chest and retrieve the bonds. J.A. 463.

[*533] By Bruther's account, Belyea was not even in the Gay bedroom at the time of the theft; he did not know about or participate in the theft. Because the new evidence questions whether Belyea ever actually (or even constructively) possessed the guns, it qualifies as being material to the central issue of possession.

Moreover, the new evidence would probably result in an acquittal at a new trial because it so marginalizes and overshadows the inculpatory evidence that it would likely raise reasonable doubt in jurors' minds that Belyea ever possessed the guns. For example, at a new trial Belyea's admission that he helped Bruther try to break into the hope chest would be measured against Bruther's repeated admissions that he (Bruther) stole

the guns on a different occasion without any assistance from Belyea. The most damning evidence against Belyea, his knowledge of the type of guns in the chest, would [**22] have less significance in light of the new evidence. (In any event, Belyea's general description of the guns is not so damning when examined in the context of the possession issue, since it may mean that Belyea saw the guns or gun boxes at some point but never actually handled the guns; Michelle Gay testified that she, Bruther, and Belyea all saw the Smith & Wesson boxes when she retrieved her bonds at the party.) Finally, the new evidence casts serious doubt on the prosecution's theory that Belyea and his friends "stole those guns so that they could get more drugs." J.A. 99.

Because the newly discovered evidence is material and would probably result in an acquittal at a new trial, we conclude -- assuming the evidence meets the standard for trustworthiness (see below) -- that the district court abused its discretion in denying Belyea's motion for a new trial based on the newly discovered statements by Bruther.

The government argues on appeal that we should affirm the district court's denial in any case because the new evidence, exculpatory statements against interest made by an unavailable declarant, is not admissible under Rule 804(b)(3) of the Federal Rules of Evidence. [**23] We are unable to address this argument on the present record because the district court did not reach the issue of whether "the corroborating circumstances clearly indicate the trustworthiness" of Bruther's statements. Fed. R. Evid. 804(b)(3); see J.A. 490 (finding witnesses who recounted Belyea's statements "completely credible" and expressing "no doubt" that Bruther made statements, but declining to rule on whether statements themselves were true). The district court must address this issue in the first instance on remand.

If the district court concludes on remand that the newly discovered evidence is admissible under Rule 804(b)(3), it should enter an order granting a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

IV.

We remand the case to the district court for proceedings consistent with this opinion. We retain jurisdiction over the appeal so that we may review the district court's orders on remand with regard to the admissibility of Dr. Fulero's expert testimony and Bruther's newly discovered statements. In the meantime, we hold in abeyance the issue relating to [**24] Belyea's challenge

to his sentence.

REMANDED WITH INSTRUCTIONS

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Handout 90

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
86 CRS 031738

v.

**AFFIDAVIT OF
VICTORIA L. PITTMAN**

1. I am over the age of eighteen, suffer no legal disabilities, have knowledge of the facts set forth below, and am competent to testify.

2. I am a nationally certified court reporter and have been working as a court reporter for 20 years.

3. I was the court reporter for a hearing of the North Carolina Innocence Inquiry Commission hearing of the above-captioned case on June 4 – 7, 2019.

4. During the hearing, an audio recording of a March 19, 2019 interview of Darren Johnson by Commission staff was played. After hearing the audio, a Commissioner pointed out an error in the transcript of that interview.

5. Page 56, Line 5-6 of the transcript read “MR. JOHNSON: Somebody went in after I came out.” The Commissioner believed that Mr. Johnson actually said, “*Unless* somebody went in after I came out. (Emphasis added.)”

6. I have listened to that portion of the audio recording multiple times and I also heard Mr. Johnson begin that sentence with the word “unless.”

7. If I were the court reporter to have transcribed this interview, Page 56, Lines 5-6 would read: "MR. JOHNSON: Unless somebody went in after I came out." I believe this to be a more accurate reflection of the audio recording of Mr. Johnson's words.

FURTHER AFFIANT SAYETH NAUGHT.

This the seventh day of June, 2019.



Victoria L. Pittman

STATE OF NORTH CAROLINA
COUNTY OF Chatham

Sworn to and subscribed before me,

this 7th day of June, 2019.


Notary Public

(Seal)

My Commission Expires: 4/27/2021

