

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

COUNTY OF GRANVILLE

FILE NO. 75 CRS 06128

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STATE OF NORTH CAROLINA )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLIE HENDERSON WOMBLE, )  
 )  
 Defendant. )

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NORTH CAROLINA INNOCENCE INQUIRY COMMISSION HEARING

DAY ONE

At Raleigh, North Carolina

June 2, 2014

A P P E A R A N C E S

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1 JUDGE SUMNER: The North Carolina Innocence Inquiry  
2 Commission hearing is called to order this morning. This  
3 is the matter of State of North Carolina versus Willie  
4 Henderson Womble. It is a Granville County case, file  
5 number 75-CRS-6128. This hearing is open to the public  
6 pursuant to North Carolina General Statute 15A-1468(a). My  
7 name is Quentin T. Sumner, I am Superior Court Judge from  
8 Nash County, I am the Chair of this Commission. And  
9 starting to my left I'll have each Commission member  
10 present, and alternate, identify himself/herself for the  
11 record.

12 MR. SMITH: I'm Wade Smith, Commission member.

13 MS. SURGEON: Diane Surgeon, Commission member.

14 MS. COVER: Camilla Cover, not normally an alternate.

15 MS. MONTGOMERY-BLINN: I'm Kendra Montgomery-Blinn,  
16 executive director of the Commission.

17 MS. STELLATO: Sharon Stellato, associate director of  
18 the Commission.

19 MS. THOMPSON: Jennifer Thompson, alternate  
20 Commissioner.

21 SHERIFF VAN DUNCAN: Sheriff Van Duncan, alternate.

22 SHERIFF JOHNSON: Sheriff Susan Johnson, Commission  
23 member.

24 MS. PICKENS: Barbara Pickens, Commission member.

25 MS. SANDS-BELLE: Aurelia Sands-Belle, Commission

1 member.

2 MR. VICKORY: Branson Vickory, Commission member.

3 JUDGE SUMNER: Thank you. I'd like to make a formal  
4 inquiry at this time as to each commissioner as to whether  
5 you need to recuse yourself pursuant to our rules, which is  
6 6B, subsection 1. Our rules state a commissioner shall  
7 recuse himself/herself if some event has caused him or her  
8 to become biased about a case and unable to participate in  
9 a hearing in a fair and impartial manner.

10 You were given an opportunity prior to this  
11 meeting to address the matter of recusal. At this time  
12 does any commissioner wish to recuse him or herself?

13 (NO RESPONSE.)

14 JUDGE SUMNER: I also want to inquire whether or not  
15 any commissioner has made an independent investigation of  
16 this matter in violation of our rule 6B(3)?

17 (NO RESPONSE.)

18 JUDGE SUMNER: None being noted, no recusal at this  
19 point, no independent investigations.

20 Also, our rules state an alternate  
21 commissioner is not fulfilling full Commission duties. He  
22 or she may attend hearings of the Commission, but may not  
23 participate in discussion and may not vote. All alternates  
24 are welcome to attend a hearing, ask questions of  
25 witnesses, but they may not participate in deliberations.

1 All right. At this time I'll turn the  
2 matter over to Ms. Montgomery-Blinn.

3 MS. MONTGOMERY-BLINN: Thank you, Your Honor. Good  
4 morning, commissioners, it's a pleasure to see all of you  
5 again. Welcome back.

6 This case is a homicide from Butner, North  
7 Carolina in 1975. You have all been provided with briefs  
8 that describe the law enforcement investigation and the  
9 trials of both Willie Womble and Joseph Perry. We will now  
10 review the material that was in the brief during this  
11 hearing. We will be presenting the Commission's  
12 investigation during the hearing. The Commission staff  
13 members that were the lead investigators on this case were  
14 myself, Kendra Montgomery-Blinn, executive director, and  
15 Sharon Stellato, associate director. During the hearing I  
16 will be calling Ms. Stellato to testify about our  
17 investigation. Joseph Perry has also been writted and he  
18 will testify today. Shirlyn Walters will be called to  
19 testify tomorrow, and Willie Womble has been writted to  
20 testify tomorrow as well.

21 The victim, Roy Brent Bullock, was survived  
22 by four children. Ms. Stellato and I have met with them  
23 and they are here today, but they're in a private room and  
24 we've set up a closed circuit TV. They may choose to come  
25 in at the end of the hearing and make a victim impact



1 statement, and during the victim impact statement, if they  
2 choose to make that, the hearing will be closed to the  
3 public during that portion, only staff and commissioners  
4 will remain in the room.

5 At the end of this hearing you'll be asked  
6 to determine the standard of review which is sufficient  
7 evidence of factual innocence to merit judicial review.  
8 The case will only move forward if at least five of the  
9 eight commissioners that vote determine there is sufficient  
10 evidence of factual innocence to merit judicial review. If  
11 less than five commissioners vote for further review, the  
12 case will be closed with the Commission and no appeal is  
13 available.

14 And also at your chairs we've put a list of  
15 the names of the co-Defendants just to help you keep track,  
16 since there were four of them, during testimony. We have  
17 also created a map of the crime scene and the surrounding  
18 places as described by the witnesses. Ms. Stellato and I  
19 have been out to this location and the Food Mart is still  
20 there in Butner. The bank that was described by Tony Smoke  
21 in his testimony at the end of Joseph Perry's trial is also  
22 still there, and that is marked on your map as well.  
23 Mr. Smoke describes seeing a vehicle in the grassy area  
24 near the bank. There were two grassy areas near the bank,  
25 we weren't able to determine exactly which one would have

1 been the one he saw the vehicle in, but we marked both of  
2 those. And also, in the SBI report various witnesses had  
3 described seeing people running toward the school or tire  
4 tracks and things around the school, so we marked the  
5 school as well on that map.

6 Now, before we get into it, are there any  
7 questions from the brief or any questions about the format  
8 for the hearing?

9 (NO RESPONSE.)

10 MS. MONTGOMERY-BLINN: Okay, great. Moving right  
11 along.

12 So as you know from the brief, this case  
13 began when we received a letter, when the Innocence Inquiry  
14 Commission received a letter from Joseph Perry stating that  
15 Willie Womble was innocent. The letter is on pages 187  
16 through 190 of the brief. The first thing that the  
17 Commission did was interview Willie Womble because we did  
18 not know whether he would want to initiate a claim, and the  
19 Commission is required under 15A-1468 that Mr. Womble  
20 initiate a claim. He did. When we met with him he did  
21 initiate a claim and he signed a release and requested that  
22 the Commission review his case. We will go through the  
23 details of his interview later on in this hearing.

24 After Mr. Womble signed the release and  
25 initiated the claim, we were then able to interview Joseph

1 Perry. Mr. Perry has been writted from the Division of  
2 Prisons and will be able to testify later today. Part of  
3 the Commission's duty is to judge the credibility and the  
4 reliability of evidence. In order to help you judge  
5 Mr. Perry's testimony, the Commission's associate director,  
6 Sharon Stellato, will testify about the Commission's  
7 investigation and what the Commission staff has done  
8 regarding Joseph Perry's statements.

9 A summary of Mr. Perry's post-conviction  
10 efforts begins on page 183 of the brief. In addition we  
11 have interviewed Mr. Perry's trial attorney, who has  
12 provided an affidavit; obtained Mr. Perry's documents from  
13 the North Carolina Parole Commission; interviewed  
14 Mr. Perry's family and longtime fiancée; interviewed other  
15 inmates who have been close to Mr. Perry over the past 30  
16 years. And we are going to send around Mr. Perry's record  
17 for you as well. So I'll let that come around, and then  
18 I'll call Ms. Stellato to testify.

19 (HANDOUT NUMBER 1 IS DISTRIBUTED.)

20  
21 **SHARON STELLATO, HAVING FIRST BEEN DULY**  
22 **SWORN, TESTIFIED AS FOLLOWS:**

23  
24 **EXAMINATION BY MS. MONTGOMERY-BLINN**

25 Q. What is your name and where are you employed?

1 A. Sharon Stellato, the North Carolina Innocence Inquiry  
2 Commission.

3 Q. How long have you been with the Commission?

4 A. Five-and-a-half years.

5 Q. And Ms. Stellato, I just mentioned the letter that the  
6 Commission received from Joseph Perry. Can you tell  
7 us about that letter?

8 A. We received the letter in the mail. It came to me and  
9 I read it and thought that it was important, so I  
10 brought it to you. And at that time we agreed that we  
11 needed to interview Mr. Perry, but first obtain  
12 consent from Mr. Womble.

13 Q. Now, what did that letter state? Don't read the whole  
14 letter, just basically what was it stating?

15 A. It stated that Mr. Perry was providing information  
16 that Willie Womble was not involved in a crime that he  
17 had committed and that, in fact, Albert Willis was  
18 involved and he was coming forward because Albert  
19 Willis had passed away.

20 Q. And how long have you been doing Innocence work for?

21 A. Ten years.

22 Q. And is it unusual for you to receive a letter from a  
23 co-Defendant admitting their own guilt?

24 A. Of their own accord it's unusual, yes.

25 Q. So tell me, were you able to interview Mr. Perry?

1 A. Yes. We interviewed him on April 24, 2013.

2 Q. And who was present for that interview?

3 A. The two of us and Mr. Perry.

4 Q. And where was the interview held?

5 A. Wake Correctional.

6 Q. And you said that this was shortly after receiving the  
7 letter?

8 A. Correct.

9 Q. And you had already received Mr. Womble's consent  
10 forms by this time?

11 A. Yes, we had.

12 Q. All right. Tell me about that interview.

13 A. When we came into Wake Correctional we introduced  
14 ourselves to Mr. Perry and he immediately stated to us  
15 that Willie Womble had nothing to do with the crime.

16 Q. What did he say?

17 A. He stated that Albert Willis had died and he had  
18 decided to tell the truth now.

19 Q. Can you read -- do you have the transcript of that  
20 interview with you?

21 A. Yes, I do.

22 Q. Can you read on page 3, line 8 through 11?

23 A. He stated, well, look, there's no honor, no more to  
24 hold this man. Although he did get me convicted  
25 partially, but still, the truth is the truth. He had

1 nothing to do with it, not even no, not even nothing.

2 Q. Was that interview recorded and transcribed?

3 A. Yes, it was.

4 Q. And is that what you're reading from is the  
5 transcription?

6 A. Correct.

7 Q. Okay. Did you ask Mr. Perry to explain what happened?

8 A. Yes. We asked him to explain what had happened in the  
9 crime. He stated that him and Mr. Willis had  
10 committed the crime. That they were driving Perry's  
11 vehicle, which was a black Cadillac Coupe de Ville,  
12 and that the reason for the robbery is they were  
13 trying to generate some funds so that Willis could get  
14 his own place. At that time Willis and Perry lived  
15 together. They both lived in Durham and Perry stated  
16 that the reason they went to Butner is because, quote,  
17 there ain't many police and it was nighttime. He also  
18 stated that he had a gun and that Albert Willis had a  
19 gun, that Albert Willis was the one that had got the  
20 gun for Perry and he had got it used from a street in  
21 McDougald Terrace -- that's a project in Durham. The  
22 gun was a .22 automatic.

23 Q. Did you ask him if he knew the store clerk at Butner,  
24 the Butner Food Mart?

25 A. Yes. He stated that he was familiar with the store as

1 well as the clerk.

2 Q. Who did Mr. Perry say was the shooter?

3 A. He said that he was the shooter, that he was the one  
4 who pulled the trigger and that he had shot two to  
5 three times.

6 Q. Why did he do this?

7 A. He indicated that they had gone there for money.  
8 According to him the clerk said something derogatory  
9 to him, he stated it was, quote, something racial, and  
10 that at that time he shot the clerk.

11 Q. Did he indicate that he knew that the victim's  
12 daughter was in the cooler watching?

13 A. He did not know that. He found that out at trial. He  
14 stated if he had seen her, he would not have shot the  
15 victim.

16 Q. Did he give you any description for himself and Albert  
17 Willis?

18 A. He stated that the victim's daughter had given a  
19 statement saying one was tall and one was short, and  
20 Perry stated that Al, Albert Willis was the short one,  
21 and he was the tall one.

22 Q. And what happened after the shooting, according to  
23 Perry?

24 A. They got back into Mr. Perry's car and went back to  
25 Durham. They went back to the apartment that they

1 shared together.

2 Q. Did Mr. Perry say whether anybody else was in the car?

3 A. No. We asked him if anyone else was in the car or  
4 anyone else drove, and he made it clear that it was  
5 just the two of them and that he was the driver.

6 Q. Did he know Willie Womble?

7 A. Yes, he did.

8 Q. What did he say about Willie Womble?

9 A. He said, quote, I've been knowing him practically all  
10 my life. Mr. Perry indicated that they had stayed in  
11 the same project when they were kids, but that they  
12 were never in the same circle, that they did not hang  
13 out or commit crimes together, but that he did know  
14 Mr. Womble.

15 Q. Did Mr. Perry indicate how he thought Willie Womble  
16 ended up being a part of this investigation?

17 A. He said the only thing that he knew about Womble  
18 becoming involved in the investigation was months  
19 later while he was being investigated, and that the  
20 SBI, when they interviewed him, they told Mr. Perry,  
21 quote, we've got someone who said they were there with  
22 you.

23 Q. Did he talk with Albert Willis about it?

24 A. No, he never spoke with Albert Willis again.

25 Q. After Mr. Perry sent to jail he never spoke with



1 Albert Willis?

2 A. Correct.

3 Q. So you said he explained that he was coming forward  
4 now that Willis was dead. Can you read on that  
5 transcript on page 25 starting at line 8 through 16?

6 A. Sure. Mr. Perry said, at some point he had to be  
7 freed, but it couldn't come to light until the whole  
8 case had been resolved. At least Al was no longer,  
9 could no longer be implicated. You understand what  
10 I'm saying? Because this was about, this was a path  
11 that I laid with Al and I. If I get caught, well, if  
12 I get caught, well -- but once he's passed, the deal  
13 is off. So I could stand to free this man because he  
14 had nothing to do with it, honestly. I would have  
15 done it a long time ago.

16 Q. Did he explain any other reason why he was coming  
17 forward with this story now?

18 A. Mr. Perry indicated that at some time he wanted, in  
19 the future he wanted to write a book, and that if he  
20 wrote a book he had to tell the truth.

21 Q. Did Mr. Perry describe his trial?

22 A. He described his trial. He recalled himself, Albert  
23 Willis, Mr. Frazier, and Mr. Womble being there. What  
24 he recalled was that Womble started testifying and  
25 then recanted, and it became a mistrial for Frazier

1 and Willis.

2 Q. Now, based on the court documents that you've read,  
3 does Mr. Perry appear to be describing the trial?

4 A. No, Mr. Perry appears to be describing the probable  
5 cause hearing where the charges against Mr. Frazier  
6 and Mr. Willis were dismissed.

7 Q. Did Mr. Perry know that Womble was convicted?

8 A. He did know that he was later convicted, but he stated  
9 that he felt it was justified because Womble was  
10 trying to hang everybody else.

11 Q. Has Mr. Perry talked with Mr. Womble since they've  
12 been in custody?

13 A. He spoke with him in January of 2011 when both of them  
14 were housed at Wake Correctional. At that time  
15 Mr. Perry indicated he went up to Mr. Womble and asked  
16 Mr. Womble how he became involved, and that Mr. Womble  
17 stated to him, that's what the SBI told me to do.

18 Q. Has he told this same story to other people over the  
19 years?

20 A. We asked him if there were other people who would know  
21 this story, and he indicated that, yes, he had told  
22 many people over the years, including his family,  
23 friends, and fiancée.

24 Q. And did you ask him to give you some of those people's  
25 names?

1 A. Yes. We asked him to provide a list of names of  
2 people whom he had spoken to.

3 Q. Did you ask if he would be willing to testify?

4 A. Yes, we did. He said, quote, I would because it's the  
5 truth, because you learn and you change over the years  
6 and you grow up.

7 Q. Did he ask for anything in exchange for testimony?

8 A. No, he did not.

9 Q. And was anything offered to him?

10 A. No.

11 Q. You said you asked for a list of names, that's  
12 something Mr. Perry provided right away or sent later?

13 A. He provided it after the first interview. He sent a  
14 letter that provided a list of names, as we asked him  
15 to.

16 Q. Okay. And have you spoken to Mr. Perry again?

17 A. Yes. After we received the names, we interviewed  
18 Mr. Perry a second time because we needed some  
19 clarification on the names.

20 Q. And when was that?

21 A. That was on May 14, 2013 at Wake Correctional.

22 Q. And who was present for that interview?

23 A. The two of us and Mr. Perry.

24 Q. All right. At that interview what happened?

25 A. At that interview Mr. Perry signed releases that would

1 allow us to speak with his trial attorney as well as  
2 various agencies that he had contacted over the years.  
3 We also went through the list of names that he had  
4 provided to us hoping to narrow it down. We did  
5 narrow it down to people that he had known the  
6 longest, and then we asked for more details that would  
7 help us locate people.

8 Q. You said that he gave this list of names, and he's  
9 been in prison for 38 years. Were most of these  
10 people he's been in prison with?

11 A. Yes.

12 Q. Did you ask any additional questions about the case?

13 A. Yes. We asked if he, during the time of the crime,  
14 had worn anything over his face. He stated that he  
15 could not recall for sure, but that he usually wore a  
16 bandana or a rag, and that he may have done this  
17 because the victim knew him from being in the area.

18 Q. And when he was talking about the victim, did you  
19 clarify if he was describing Roy Brent Bullock or his  
20 son, Brent Bullock?

21 A. We asked him if he knew the victim's son, and Perry  
22 said that he did not. However, he indicated that he  
23 was president of the Durham Jaycees and that he knew a  
24 lot of people and a lot of people knew him.

25 Q. And again, did you ask whether or not there was any

1 chance Willie Womble had been in the car during the  
2 robbery and murder?

3 A. Yes, we did. Mr. Perry said Willie Womble was not in  
4 the car.

5 Q. Did you ask if he took money from the register?

6 A. We did. He stated that Mr. Bullock, the victim,  
7 handed him the money.

8 Q. Did he know how much money it was?

9 A. He did not.

10 Q. Did he explain why he shot Mr. Bullock?

11 A. We asked him why he shot Mr. Bullock, and Mr. Perry  
12 indicated that Mr. Bullock had called him the N word.  
13 He stated he only intended to rob the store for money,  
14 but when that happened he shot the victim.

15 Q. So he said he did not intend to, he did not go in  
16 intending to do a shooting. Did he talk any more about  
17 that?

18 A. He went in intending to do a robbery, and that's, he  
19 stated that's why he would have worn something over  
20 his face because he didn't intend to kill anybody.

21 Q. Did he talk to you more about why all these years  
22 later he's decided to come forward with this story?

23 A. Yes.

24 Q. And what did he say?

25 A. We asked him if he was trying to help Womble. Perry

1 stated that he was, quote, not a big fan of Womble and  
2 that he feels like Womble was actually the reason that  
3 he got caught. But then he said it was ultimately his  
4 own actions. Perry said that he didn't have a lot of  
5 love for Willie Womble and that he was coming forward  
6 because it was the truth.

7 Q. Did you ask him if Willis was still alive, if Albert  
8 Willis was still alive whether he would have come  
9 forward?

10 A. Yes, we did. Mr. Perry said he would not have come  
11 forward if Mr. Willis was still alive. Quote, your  
12 word is all you have, it was my rule.

13 MS. MONTGOMERY-BLINN: Okay. I'm going to  
14 move on to asking you questions about Mr. Perry's  
15 attorney and associates, but I'll first break in case  
16 the commissioners have questions about these two  
17 interviews?

18 (NO RESPONSE.)

19 BY MS. MONTGOMERY-BLINN:

20 Q. Were you able to interview or speak with or have any  
21 contact with Mr. Perry's trial and appellate attorney?

22 A. Yes. Mr. Perry's trial and appellate attorney were  
23 both the same person. His name is James Cross and he  
24 is an attorney in Oxford, North Carolina. We spoke  
25 with him in May of 2013.

1 Q. And Mr. Perry is not an applicant, but did he sign a  
2 waiver so that you could speak with his attorney?

3 A. Yes, he did.

4 Q. (Ms. Montgomery-Blinn hands document to Ms. Stellato.)  
5 Do you recognize what I've just handed you?

6 A. Yes, I do.

7 Q. And what do you recognize that to be?

8 A. The affidavit provided by Attorney James Cross.

9 Q. Okay.

10 MS. MONTGOMERY-BLINN: I'm just going to  
11 send that around.

12 (HANDOUT NUMBER 2 IS DISTRIBUTED.)

13 Q. Ms. Stellato, were you able to speak with some of the  
14 people on the list of names that Mr. Perry provided  
15 you as associates that he's told the truth to over the  
16 years?

17 A. Yes, we were.

18 Q. Can you please tell us, first, how did you locate  
19 these people?

20 A. Based on the information that Mr. Perry provided we  
21 looked in DCIN, DMV, LEXIS, criminal records,  
22 probation and parole; a lot of different sources to  
23 try to locate them.

24 Q. And were you able to locate some of the people?

25 A. Yes, we were. We were able to locate the ones that

1 were still in prison, and we did not contact any of  
2 these people ahead of time to let them know that we  
3 were coming for an interview.

4 Q. Okay. Can you go ahead and tell us about Bobby Smith?

5 A. We interviewed Bobby Smith at Wake Correctional on  
6 March 19, 2014.

7 Q. And who was present for that interview?

8 A. The two of us and Mr. Smith.

9 MS. MONTGOMERY-BLINN: Commissioners, I'm  
10 just going to send around his criminal record as the  
11 testimony is going on.

12 (HANDOUT NUMBER 3 IS DISTRIBUTED.)

13 Q. Okay. Was Mr. Smith willing to speak with you?

14 A. Yes.

15 Q. And what did he say?

16 A. He stated that in 2007 or 2008 he and Mr. Perry were  
17 at Wake Correctional together and that at that time  
18 Perry told him that Womble was innocent and, quote,  
19 didn't have nothing to do with it.

20 Q. What else did he say?

21 A. He did not know whether Perry was admitting his own  
22 involvement, only that Perry and Womble had not been  
23 involved together. He stated that he didn't want to  
24 put words into Perry's mouth about Perry's involvement  
25 in the crime.



1 Q. Did Mr. Smith know what kind of a crime it was that  
2 Mr. Perry was convicted for?

3 A. No, he didn't know what crime it was. He stated, you  
4 don't ask a guy what he's down for.

5 Q. And did Mr. Smith know Willie Womble?

6 A. He had met Mr. Womble in 2006 while in prison, but he  
7 had never spoken with him about the case.

8 Q. Did you interview another man named Roy Lee Barnes?

9 A. Yes, we did.

10 Q. And where and when was that interview?

11 A. March 19 at Tillery Correctional; March 19, 2014.

12 MS. MONTGOMERY-BLINN: And I'm sending  
13 around Mr. Barnes' criminal record as well.

14 (HANDOUT NUMBER 4 IS DISTRIBUTED.)

15 Q. All right. Did Mr. Barnes speak with you?

16 A. Yes, he did.

17 Q. And what did he say?

18 A. Mr. Barnes stated that Mr. Perry had told him five to  
19 six times that Willie Womble didn't have nothing to do  
20 with it. He recalled the first time hearing this from  
21 Perry was in 1978 when they were cell mates at Central  
22 Prison. Mr. Barnes said that Perry said, quote, he  
23 didn't know why Womble would testify to something, he  
24 didn't have nothing to do with it. Mr. Barnes also  
25 stated that Perry would tell this to anybody, and that

1 Perry had told him it was a murder and a robbery.

2 Q. According to Mr. Barnes, had Perry said who he had  
3 done the crime with?

4 A. According to Mr. Barnes, Perry told him that it wasn't  
5 Womble who he was with, but he didn't tell him who he  
6 was with.

7 Q. And did Mr. Barnes say how many times he'd spoken with  
8 Mr. Perry about this?

9 A. He said a lot of times, again, five to six, seven  
10 times. The last time that they had spoken about it  
11 was at Wake Correctional in 2006 or 2007.

12 Q. And did you ask Mr. Barnes if he also knew Willie  
13 Womble?

14 A. Yes. He stated that he had met Womble at Tillery  
15 Correctional sometime during the '90s, and that he had  
16 spoken with Womble about the crime, but that Womble  
17 didn't want me to know he had testified against Joe.  
18 All Womble said was that he should not be in here.

19 Q. That Womble should not be in there?

20 A. Yes.

21 Q. All right. And were you able to speak with another  
22 man named Alford Jones?

23 A. Yes, we were.

24 Q. And where and when was that interview?

25 A. March 20, 2014 at Hoke Correctional.

1 MS. MONTGOMERY-BLINN: And Mr. Jones' record  
2 is coming around now as well.

3 (HANDOUT NUMBER 5 IS DISTRIBUTED.)

4 Q. All right. Did Mr. Jones say that he knew Mr. Perry?

5 A. Mr. Jones stated that he had known Mr. Perry since  
6 1975 or 1976. They had met in Central Prison.

7 Q. And what did Mr. Perry tell him about the crime?

8 A. Perry admitted to Mr. Jones that he had done the  
9 crime, and he had been saying this to Mr. Jones ever  
10 since they met at Central Prison.

11 Q. Did Mr. Jones say that Perry ever spoke with him about  
12 Willie Womble?

13 A. Perry told Mr. Jones, quote, Willie Womble had done  
14 all this time for no reason.

15 Q. All right. And what else did Mr. Jones say?

16 A. Mr. Jones told us that Mr. Perry had said he was going  
17 to write us because there was no sense in Womble doing  
18 all this time. Mr. Jones was at Wake Correctional  
19 with Perry when the Commission came to first interview  
20 him. And when Perry returned from the interview, he  
21 asked Perry if he'd had a visit, and Perry stated it  
22 was the Commission that had come to talk to him.

23 Q. Did he know, did Mr. Jones know what kind of crime it  
24 was that Mr. Perry was convicted of?

25 A. He knew that it was a robbery and thought that it was

1            somewhere in Durham.

2            Q.    And did Mr. Jones know Womble as well?

3            A.    He stated he did know him, but he knew Mr. Perry  
4            better.

5            Q.    Had he spoken with Womble?

6            A.    Yes, he had.    He indicated Womble had said he was not  
7            guilty and that Joe Perry had said Womble was not  
8            involved, but that nobody really believed them because  
9            so many people in prison say they're innocent.

10          Q.    And did he describe Mr. Perry and Womble?

11          A.    Yes, he did.

12          Q.    Would you look at the transcript from his interview  
13          and read on page 12 starting at line 23?

14          A.    He said, quote, I don't think Willie -- I've known him  
15          for a while.    He didn't strike me as, like, Joe.    He  
16          didn't strike me as a person like Joe Perry.    I mean,  
17          you know, you have some people that's aggressive, and  
18          you have some people that's passive.    Joseph Perry was  
19          an aggressive person when he needed to be, I mean,  
20          because of the environment that he's affiliated with.  
21          Willie, he was always a little more submissive-type  
22          personality, you know.    So, I mean, I could never  
23          figure him doing anything on his own and just jump and  
24          say, okay, I'm going to kill these people, I'm going  
25          to do this, I'm going to do that; no, I couldn't.    I

1           couldn't never picture him doing that. Joe Perry,  
2           yes, I could, but Willie, no, I couldn't. Just him  
3           and a lot of other people. I mean, it's just, I don't  
4           know; I don't know. All I know is what Joe said and  
5           what Joe has been saying over the many years and what  
6           other people know.

7           Q. Did you interview a man named James Sneed?

8           A. Yes, we did.

9           Q. And when and where was that interview?

10          A. That was on March 20, 2014, at Orange Correctional.

11                           MS. MONTGOMERY-BLINN: And his criminal  
12                           record is coming around.

13                           (HANDOUT NUMBER 6 IS DISTRIBUTED.)

14          Q. All right. When did Mr. Sneed meet Mr. Perry?

15          A. He met Mr. Perry in 1974 when he came to Central  
16           Prison.

17          Q. And what did Mr. Sneed say he knew about the crime, if  
18           anything?

19          A. He said that his understanding was that Womble had  
20           supposedly to have been Perry's crime partner, but  
21           Womble actually committed the crime and not Perry.

22          Q. Okay. Did he remember any more details?

23          A. He said that he was unable to recall details and  
24           cannot remember whether Perry was there or not when  
25           the crime occurred, but that Perry was not the actual

1 person who killed the person.

2 Q. And this is different from, this one is different than  
3 what Mr. Perry has been saying?

4 A. Correct. This inmate is saying that it was Womble who  
5 committed the crime, not Perry.

6 Q. And after he made this statement, did you then say  
7 anything to see -- what did you say then?

8 A. We asked Mr. Sneed if he would be surprised to learn  
9 that Perry had told us Womble was innocent and he had  
10 admitted his own involvement. Mr. Sneed stated that  
11 that would surprise him.

12 Q. Okay. Did you interview a man named Andre Harris?

13 A. Yes, we did.

14 Q. And when and where was that interview?

15 A. That was on March 21, 2014 at Franklin Correctional.

16 MS. MONTGOMERY-BLINN: And that criminal  
17 record is coming around.

18 (HANDOUT NUMBER 7 IS DISTRIBUTED.)

19 Q. I'm sorry, did you say Gaston Correctional?

20 A. Yes, I said Franklin, but I meant Gaston.

21 Q. Okay. And when did Mr. Harris say he met Mr. Perry?

22 A. He said that he met him in 1987 at Franklin  
23 Correctional.

24 Q. All right. And did Mr. Harris say that Mr. Perry had  
25 talked with him about the crime?

1 A. Mr. Harris stated that Perry did not talk to him about  
2 the crimes and that he did not know what kind of crime  
3 it was. All he knew was that Perry had said  
4 Mr. Womble was innocent, and this was around 2011 or  
5 2012.

6 Q. That Mr. Perry told him Womble was innocent?

7 A. Yes.

8 Q. And when had he seen Mr. Perry last?

9 A. The last time that Mr. Harris had seen him was in Wake  
10 Correctional approximately a year ago. And at that  
11 time Mr. Perry told him he was going to try to figure  
12 out a way to free Willie, but did not provide  
13 specifics.

14 Q. And did Mr. Harris know Mr. Womble?

15 A. He met Mr. Womble in 2004 at Tillery Correctional, but  
16 Mr. Womble had never spoken with him about the crime.

17 MS. MONTGOMERY-BLINN: We're going to move  
18 on with some more interviews, but I'll take a break in  
19 case there's any commissioner questions at this point?

20

21 EXAMINATION BY SHERIFF VAN DUNCAN

22 Q. Did Mr. Sneed, during your interview, establish why he  
23 felt like Mr. Womble was guilty?

24 A. He just repeatedly said that that's what he recalled  
25 Mr. Perry telling him. That's the only information he

1 could provide.

2 Q. No first-hand information, just --

3 A. No, sir.

4 MS. MONTGOMERY-BLINN: Are there any other  
5 questions at this point?

6 (NO RESPONSE.)

7 MS. MONTGOMERY-BLINN: No? Okay, I'll move  
8 on.

9  
10 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

11 Q. All right. Were you able to speak with Angie Reid?

12 A. Yes, we were.

13 Q. And who is Angie Reid?

14 A. Mr. Perry's sister.

15 Q. And when did you contact her?

16 A. On May 7, 2014.

17 Q. Was she willing to be interviewed?

18 A. Yes, over the phone she was willing.

19 Q. And what did she say about the case?

20 A. She stated that she doesn't personally know that much  
21 about the case, but that back when it happened she  
22 knew, quote, something wasn't right. When asked to  
23 elaborate on this she stated that Womble was not  
24 capable of doing the things that they said he did, but  
25 Mr. Willis was.



1 Q. Mr. Willis was?

2 A. Correct.

3 Q. And did she know Mr. Willis?

4 A. Yes, she did. They had all grown up together.

5 Q. Okay.

6 A. She stated that Mr. Willis and Mr. Perry were very  
7 close, that they were like brothers, if you saw one,  
8 you saw the other, and that she never knew Mr. Perry  
9 to associate with Willie Womble in any way. And she  
10 also stated that since then Perry has told her he  
11 never associated with Willie Womble.

12 Q. Okay. And when we say Willis, we're talking about  
13 Albert Lee Willis who was also originally charged, but  
14 whose case was dismissed?

15 A. Correct.

16 Q. Was she able to describe Mr. Womble to you?

17 A. She stated that everyone where they grew up knew who  
18 Womble was. Her quote is, he is special and slow and  
19 you can twist him any kind of way because he is not  
20 knowledgeable and has a low IQ. I knew when I heard  
21 he was involved something wasn't right. People use  
22 and abuse Mr. Womble.

23 Q. Did she know how Mr. Womble became involved?

24 A. She did not. She said, I don't know how Mr. Womble  
25 became involved or what made him say the things that

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he said.

Q. Did you tell her anything about the case or Womble's confession?

A. I did not tell he about the confession or any details of the case.

Q. And did you ask if Mr. Perry had mentioned the Commission and that he was coming forward with this information?

A. I did ask her. She stated that he had not mentioned that to her, but that several years ago in a phone call he stated, Angie, you know Willie Womble and I didn't communicate and something is wrong with him.

Q. Okay. How about Mr. Perry's fiancée, Vadora Davis, did you speak with her?

A. Yes, we did.

Q. When was that?

A. May 23, 2013.

Q. And where was that?

A. That was at her home in Durham.

Q. And who was present for that interview?

A. The two of us and Ms. Davis.

Q. And what did she tell you?

A. She stated that when the murder happened back in 1975 she had been dating Mr. Perry for about six months, and that at that time Mr. Perry told her he didn't

1 know how Womble got involved, that he had felt like  
2 maybe one of the officers had threatened Mr. Womble.

3 Q. Anything else that she said?

4 A. She told us that Perry has always maintained to her  
5 that Womble was influenced and was used to testify  
6 against him, Perry.

7 Q. So has Perry admitted to her that he committed the  
8 crime?

9 A. We asked her that and she stated that over the years  
10 he has admitted it.

11 MR. SMITH: May I get her name again,  
12 please?

13 A. Vadora Davis, V-a-d-o-r-a.

14 MR. SMITH: Thank you.

15 Q. And did Mr. Perry ever tell her who committed the  
16 crime with him?

17 A. She stated that somewhere around 1990 during their  
18 relationship Perry told her that it was Willis who was  
19 involved in the crime.

20 Q. Did she know why Perry was coming forward now?

21 A. She stated that Perry was coming forward because he  
22 felt it was the right thing to do and he has gotten  
23 older. She also brought up that Perry has always  
24 planned to write a book about his life and that she  
25 thinks the book would be about his life story.

1 Q. Did she know Albert Willis?

2 A. Yes, she did know him.

3 Q. Had she talked to him ever about the murder?

4 A. No, she had not.

5 Q. Were Perry and Willis, did they remain close after  
6 Perry went to jail?

7 A. They never spoke again after Mr. Perry went to jail.  
8 Perry became frustrated because Willis never wrote to  
9 him or came to see him.

10 Q. And that's according to Ms. Davis, right?

11 A. Correct.

12 Q. And did she know Willie Womble?

13 A. She did not know Mr. Womble.

14 MS. MONTGOMERY-BLINN: Commissioners, do you  
15 have any questions?

16 (NO RESPONSE.)

17 MS. MONTGOMERY-BLINN: No? Okay. I'll just  
18 ask that Ms. Stellato step down.

19 (MS. STELLATO COMPLIES.)

20 MS. MONTGOMERY-BLINN: The Commission worked  
21 with the Parole Board to obtain copies of all the  
22 letters that Perry had sent to them over the years.  
23 From them we obtained, from the Parole Board we were  
24 able to obtain letters from Perry, letters from his  
25 family and supporters, also Parole Commission letters,

1 documents relating to sentencing, infractions, DOC  
2 reports, and other miscellaneous documents. The file  
3 is 401 pages. The Commission staff reviewed the file  
4 and noted any times that Perry mentioned anything  
5 about his case, guilt or innocence, in any of his  
6 letters, and we've condensed the portions of those  
7 letters into one handout for you. So that's coming  
8 around now. And this is anytime in those 401 pages  
9 that Perry mentioned his own case when he was writing  
10 to the Parole Board, whether he was claiming guilt or  
11 innocence. So we'll let those come around and I'll  
12 give you a minute to read those.

13 (HANDOUT NUMBER 8 IS DISTRIBUTED.)

14 (HANDOUT NUMBER 8 IS REVIEWED BY THE  
15 COMMISSIONERS.)

16 MS. MONTGOMERY-BLINN: The Commission also  
17 obtained a court order for access to the DPS or  
18 Department of Prisons records for all four of the co-  
19 Defendants. This included their prison and parole  
20 records. There were no records for James Frazier.  
21 All of the records for Albert Willis were only  
22 computerized records of incarceration and movements.  
23 His detailed records had been destroyed in 1989 per  
24 DPS policy. We did obtain full records for Joseph  
25 Perry and Willie Womble. These records include work

1 release, alcohol and substance abuse treatment,  
2 educational records, medical health records, and  
3 combined community corrections records. The file for  
4 Mr. Joseph Perry is 1,676 pages long, it is not a  
5 handout. We reviewed it for anything that was  
6 relevant to our investigation and condensed the  
7 relevant portions into a handout. So coming around  
8 now is the handout with the relevant portions for  
9 information from the DPS files for Joseph Perry.  
10 We'll hand out the Womble records tomorrow. This one  
11 is a little bit longer, so if Your Honor would like to  
12 take a morning recess and read it during recess,  
13 whatever you would like.

14 JUDGE SUMNER: Anyone need a break?

15 (NO RESPONSE.)

16 JUDGE SUMNER: I think they want to trod on.

17 MS. MONTGOMERY-BLINN: Okay. That's fine.  
18 I'll give you time to read it. I may run out to the  
19 restroom.

20 (HANDOUT NUMBER 9 IS DISTRIBUTED.)

21 MS. MONTGOMERY-BLINN: I'm sorry, this one  
22 is shorter.

23 (THEREUPON, A SHORT RECESS WAS TAKEN.)

24 MS. MONTGOMERY-BLINN: If no one needs a  
25 break I'm going to call Mr. Perry for testimony.

1                   Joseph Lee Perry, upon first being duly  
2                   sworn, testified as follows:

3

4                   **EXAMINATION BY MS. MONTGOMERY-BLINN**

5                   MS. MONTGOMERY-BLINN: Your Honor, I'd  
6                   request that Mr. Perry's hands be unshackled so that  
7                   he can speak if he needs to while --

8                   A. Please. I'm in minimum custody, I'm not --

9                   CORRECTIONAL OFFICER: He's supposed to  
10                  remain in full restraints.

11                  MS. MONTGOMERY-BLINN: He can't have his  
12                  hands unshackled?

13                  CORRECTIONAL OFFICER: Uh-huh (yes).

14                  A. God, this is uncomfortable. How you all doing?

15                  Q. Okay. Please just do your best.

16                  All right. Please tell us your name.

17                  A. Joseph Lee Perry.

18                  Q. And make sure you speak up, Mr. Perry, so that the  
19                  court reporter can hear you.

20                  A. All right.

21                  Q. How old are you, Mr. Perry?

22                  A. I'm 60.

23                  Q. And where do you reside?

24                  A. Home.

25                  Q. Where is home?

1 A. Durham.

2 Q. Durham is where you're from?

3 A. Yes.

4 Q. Are you in the Department of Corrections right now?

5 A. Yes.

6 Q. And do you recall meeting with myself and Ms. Stellato  
7 before?

8 A. I do.

9 Q. It's been a while, right?

10 A. On three occasion, I think it was.

11 Q. Okay. We came out to see you two times. It's been  
12 about a year, does that sound about right?

13 A. Twice, yeah; yes.

14 Q. So this is the North Carolina Innocence Inquiry  
15 Commission hearing, and I'm going to ask you a number  
16 of questions. Some of them are going to be questions  
17 that I've already asked you before when we met, or  
18 Ms. Stellato asked you, and then the Commissioners who  
19 are seated around this table are also going to ask you  
20 questions. We just ask that you be truthful, and we  
21 certainly understand that you may not know the answer  
22 to every question or it's been a long time and you may  
23 not remember. So if the truth is that you don't know  
24 or you don't remember, then that is the truth. Do you  
25 understand?



1 A. Right; that's it.

2 Q. Okay. All right, Mr. Perry, do you remember writing a  
3 letter to the North Carolina Innocence Inquiry  
4 Commission?

5 A. Yes.

6 MS. MONTGOMERY-BLINN: May I approach the  
7 witness, Your Honor?

8 JUDGE SUMNER: That's fine.

9 Q. All right. I'm going to hand this to you, if you'll  
10 take a look at it.

11 A. (Witness examines document.)

12 Q. Is that the letter that you sent to us?

13 A. Yeah, my handwriting.

14 Q. And do you remember writing it?

15 A. Yes.

16 Q. And is that letter true?

17 A. Yes.

18 Q. Mr. Perry, please tell us what happened on  
19 November 18, 1975.

20 A. The incident of the murder-robbery?

21 Q. Uh-huh (yes).

22 A. On that particular evening or night it was myself and  
23 Albert Lee Willis. He was staying with me at the  
24 time. He had lost his home out on Wake Forest  
25 Highway, they had been put out, so he was staying with

1 me. And the plan was to help him get money at some  
2 point to get his own apartment, so in the meantime I  
3 was staying on Geer Street in Durham. So on occasions  
4 we would just go and rob certain places and get money,  
5 whatever. I was fresh out of the institution then. I  
6 think I had been out maybe three months or so, not,  
7 not very long, maybe four five. I'm not really sure  
8 about the time span on how long I had been out. But  
9 on the evening of the murder-robbery he and I were  
10 just riding around. I had a Coupe de Ville, black  
11 Coupe de Ville, Cadillac, two door. And we went to  
12 Butner. And the reason we went to Butner is because I  
13 was at Umstead Youth Center at some point and I was  
14 the president of the Jaycees and we used to do little  
15 car washes and jelly sales and so forth to raise money  
16 for the Jaycees. And so we were basically scouting  
17 out little places to rob and get a little money.  
18 Nothing, no plan to hurt anyone, nothing like this.

19 But anyway, we ended up in Butner and we  
20 went into the little convenience store and there  
21 resided the operator of the store. And we came in  
22 with the gun. We parked the car on the side of the  
23 building, just he and I. We went in, demanded the  
24 money. And on the way out it was a little comment  
25 made or something of this nature by the operator or

1 some -- I'm not sure what triggered it, but I pulled  
2 the trigger myself. Al had a gun, but he didn't shoot  
3 anyone. I did it myself. And I think I shot the  
4 operator three times, not really aiming, just  
5 pointing, shooting. My biggest regret ever to this  
6 day.

7 At that time we just left. I learned later  
8 that a little girl was in the refrigerator. I wish  
9 she would have saw her because I would have not done  
10 -- I have great respect for kids, for one. But we  
11 just left and we drove. We started down 85, but we  
12 got off the ramp at 85 and went a different direction  
13 because Durham and Butner is kind of connected and the  
14 same officers that comes to Butner kind of operates  
15 out of Durham. It's kind of interconnected, them  
16 counties. So I took an off-route because I was  
17 driving and went a back road. Went by the movie  
18 theater, I think it was an old drive-in, and made it  
19 back to Durham. So this is the occasion of the night  
20 itself and how the robbery itself took place.

21 Q. Did you have your face covered, do you remember?

22 A. No.

23 Q. Not covered?

24 A. No.

25 Q. Do you remember that when you met with Ms. Stellato

1 and I you said you probably did?

2 A. I was thinking we usually have bandanas or something  
3 of this nature. We always kept them in case we needed  
4 it.

5 Q. So you don't know for sure if you did?

6 A. I'm not, I'm not absolutely -- I don't remember  
7 exactly.

8 Q. Do you remember what clothing you were wearing?

9 A. No, not particularly. I kind of think it was jeans or  
10 something because I'm always in jeans, a shirt, or  
11 something of this nature.

12 Q. You said the store operator, did he give you the  
13 money?

14 A. Yes.

15 Q. Do you know how much?

16 A. No, I don't remember. It was only a few hundred, I  
17 think, if that much. It wasn't very much.

18 Q. How tall are you?

19 A. About six feet.

20 Q. And is that how tall you were in 1975?

21 A. Pretty much, maybe 5'11, 6 feet, yes.

22 Q. And how about Mr. Willis, how tall is he?

23 A. He was maybe -- Al is short, maybe 5'7", maybe. 5'6";  
24 5'7".

25 Q. You said you both had guns?

1 A. He had a gun, I'm not sure if he had it out or not,  
2 but he did have one. And I definitely had mine out  
3 and kind of controlled the situation.

4 Q. How did you get the gun that you had?

5 A. Well, Al actually produced the gun. He went and got  
6 it from one of his friends, I think. We was kind of  
7 shopping for guns and trying to find some that -- this  
8 what we do when we did the robberies during those  
9 times. Neither one of us actually owned guns, but we  
10 always got it from somewhere because in the street you  
11 can always, guns are available, or were available.

12 Q. Do you remember what you did with the gun afterwards?

13 A. I want to -- I really don't remember exactly what  
14 happened to the gun, but I want to say Al returned it  
15 to whatever, to wherever it belonged or whatever. I'm  
16 not actually -- I don't remember.

17 Q. Had you used that gun before?

18 A. Yes.

19 Q. When was that?

20 A. This was the time, and that kind of connected me to  
21 the robbery in Butner, at a convenience store with  
22 just one woman, but I used it.

23 Q. You used that gun?

24 A. I was alone to go on that robbery.

25 Q. And where was that convenience store?

1 A. That was in Durham.

2 Q. And you said that was the same gun?

3 A. Yeah. My second biggest regret.

4 Q. Mr. Perry, why are you telling this now?

5 A. Al and I -- initially, Al came to my apartment because  
6 he needed money because he wanted to get  
7 reestablished. I was out of prison on parole and  
8 initially I wanted to be a physical therapist and I  
9 want to get in Duke, and they wouldn't give me a job  
10 or whatever, so I needed money. So basically, I  
11 started robbing mostly convenience stores, nothing  
12 major. But the reason I'm telling this story now is  
13 because on December 1, I want to say 2011, 2012, but  
14 definitely on my birthday, Al passed. My sister  
15 notified me that Al had died or was found in the  
16 apartment, I think he had turned into a junkie or  
17 something, he never came to prison. But it was our  
18 pact during that time if I got caught, then I'll do  
19 the time, I'd never implicate him. If he got caught,  
20 then he'll have to do the time. But it was kind of my  
21 rule. So I was kind of the primary person that the  
22 SBI wanted at that time and I had other charges, so I  
23 never implicated Al.

24                   However, Al never did anything from when I  
25 was in the system either, but still, there was my

1 rule. So when Al passed, mind you, I now, I resented  
2 Willie Womble completely because he was the one that  
3 got on the stand. Never knew why he, how he got into  
4 the case itself; never knew. And I only asked him in  
5 2011 after returning back to Wake and he was there,  
6 and I asked him one question out of all the time that  
7 I've been on the unit with him on occasion, I asked  
8 him, how did you get into my situation or I into your  
9 situation? And he always said the SBI.

10 Now, I've known Willie Womble for quite a  
11 while, but he never, ever, ever did things of this  
12 nature, and he certainly hadn't done anything with me.  
13 But anyway, he told me of the SBI kind of implicating  
14 him in it and this, that, and the third, so during the  
15 trial he was on the stand. But first, the SBI -- and  
16 I think the only name I can remember is Joe because my  
17 name is Joe. And I know one of the SBI agents name  
18 was Joe. And he said, we got you now, and I'll use  
19 this word, the N word, because we got somebody who was  
20 there with you. And I said, no, you got the man who  
21 did it, because at the time I was still pleading  
22 guilty and saying I didn't have any involvement in it,  
23 and this, that, and the third. But when trial day  
24 came Willie Womble showed up. And I'm saying, like --  
25 and he named me, a guy named BooBoo, Al himself, and

1           implicated himself as being there. So we looking at  
2           each other in the court room. BooBoo Frazier  
3           definitely wasn't there. Al and myself did, were  
4           there, but we trying to figure out why Willie Womble  
5           saying he was there. But on the stand he, I guess he  
6           started feeling some kind of way about it, I don't  
7           know, he changed his testimony. I was not there, I  
8           was at home watching this TV program, this TV program.  
9           So each attorney motioned for a dismissal. I had  
10          other charges so therefore they wouldn't dismiss my  
11          charge, but they dismissed those against Al Willis and  
12          BooBoo Frazier. They let them walk out the courtroom.

13                 They took me back to the Oxford County Jail.  
14          A few months later they come back and tried me on his  
15          statement, on Willie Womble's statement. At the time  
16          they deleted my name in the courtroom, which I couldn't  
17          understand. I asked my lawyer, I said, look, there's  
18          no one on trial but me. If they read that statement  
19          like they're reading it, then it's only implicating  
20          me. And that's what they did, they got a conviction,  
21          murder in the first degree, gave me a life sentence.

22                 Maybe a year or so later Willie Womble came  
23          into the system, Central Prison, and I saw it. And at  
24          the time I really, really wanted to do something  
25          serious to him because I could never figure out how he



1 inserted himself into this situation or this case and  
2 why he would testify against me because I kind of knew  
3 him off and on all my life, but I could not understand  
4 why he did what he done. But I think they had him  
5 moved at some point and I didn't see him again for a  
6 few years. He was at Caledonia. Then I had to sign a  
7 statement saying I would be responsible for anything  
8 that happened to him.

9 But at any rate, when Al passed and the  
10 changes that I've, that's taken place in my own life,  
11 for one, I say it's time to do the right thing. I  
12 don't have to implicate Al because Al is passed. I've  
13 actually done the time, I've been in the system now  
14 maybe 40 years. I say the right thing, change come  
15 about with the right thing, doing the right thing, for  
16 one. So I wrote the Innocence Committee and I  
17 explained the situation about Willie Womble and the  
18 whole situation. Now, mind you, I still don't  
19 particularly care about him, but I do care about doing  
20 the right thing; I do care about that. So this is the  
21 reason why I wrote the Innocence Committee. And the  
22 intern got back in touch with me, I kind of gave him  
23 the story.

24 I'm kind of cold. They keep you in cold  
25 rooms here on this place, so -- I'm in minimum custody

1 and I don't understand all this. I kind of work at  
2 OSDT, kind of free like. But it's not like I'm going  
3 to do any wrong or run, anything, but this is kind of  
4 difficult right here.

5 Q. Now, Mr. Perry, when we met with you before, you also  
6 mentioned that you might write a book?

7 A. Yeah, I plan to at some point, I always have. I  
8 started on several occasions. But if I write an  
9 autobiography and it's a truthful book, then this  
10 situation here has to be cleared up, too.

11 Q. So that's also part of the reason to come forward?

12 A. No, it has nothing to do with me coming forward, not a  
13 thing. This just come from the heart because of the  
14 things I've developed into over the years. This is  
15 not the primary or the secondary reason why I'm  
16 telling you the story about Willie Womble. He  
17 actually had -- and I think, I'm thinking, and I  
18 talked to my sister, I'm thinking that, well, he's  
19 always been a little slow, for one.

20 Q. Willie Womble has?

21 A. Yes, he always have been. As a matter of fact, we was  
22 done with school one day and one of the guys that we  
23 was hanging out with kind of set him on fire while he  
24 was sleep, like putting matches in his toes and set  
25 him on fire. But he sprayed lighter fluid on him and

1 he was running with them. We couldn't believe what  
2 was going on so we caught him and put him out. That  
3 person, too, is dead now, but I think that I've been  
4 knowing him all of my life.

5 Q. You've known --

6 A. But I never known him to do anything serious. He's  
7 always been a kind of petty thief type guy, but never  
8 with the capacity to do anything complicated. And my  
9 sister kind of brought it back to my attention not long  
10 ago. She's like, you know Willie Womble has always  
11 been kind of retarded. Because I was saying I still  
12 don't know why he implicated himself in this  
13 situation. And she said, you know he's been kind of  
14 retarded all his life. And that's true; and that's  
15 true. But the truth of the matter is he was not  
16 there, never knew anything about it. So any knowledge  
17 he had with this situation had to come from the SBI.  
18 I can't imagine any other way.

19 Q. Did you ever commit any crimes with Mr. Womble?

20 A. No, but I have, be completely honest with you --

21 Q. Please do.

22 A. There was a robbery one time with him and his cousin  
23 and they was looking for money and they break in  
24 people's houses. And I have a real serious problem  
25 about people breaking in people's houses because

1 people kind of work hard for their stuff in their  
2 house. But a store, on the other hand, gets their  
3 insurance, you know, replaces everything you take.  
4 And so I set up a little job one time for him to do  
5 and get some money, and he did. But other than that,  
6 no. I didn't see him again after that for, I mean,  
7 since.

8 Q. Were you with him when he did the job you set up?

9 A. No.

10 Q. You gave him the information about it?

11 A. Yes.

12 Q. Would you say you and Mr. Womble back in 1975 were  
13 friends?

14 A. No, just associates. That's been knowing each  
15 other --

16 Q. You grew up in the same area?

17 A. Well, I'm not sure if his family was out in  
18 Cornwallis. Probably, yes. He had cousins and so  
19 forth, so we knew each other, but never hung out,  
20 never --

21 Q. Cornwallis Projects, is that what you said?

22 A. Yes; yes.

23 Q. Now, how about James BooBoo Frazier, how do you know  
24 him?

25 A. Oh, that BooBoo?

1 Q. BooBoo.

2 A. Yeah. Well, he was going with one sister and I was  
3 going with the other one. We were kind of going with  
4 two sisters.

5 Q. Did you ever commit any crimes with him?

6 A. No. He was no criminal. He was -- he did nothing but  
7 just drink wine or something, but not -- he was a wine  
8 drinker.

9 Q. You gave us a list of people that you had talked to  
10 about this before. Have you heard from anybody that  
11 we've been out talking to people on that list?

12 A. Just recently my sister.

13 Q. Okay.

14 A. I called and they said some lady called and they want  
15 me to call her back. And they said, I think she said  
16 she call you back one time, and then they called back  
17 again asking about Al's death or something. But I  
18 don't think she know anything about Al. I don't know  
19 anything about Al. Al wasn't even in touch with me.  
20 Something I kind of resented because I kind of took  
21 the weight for everything, but he never sent me a  
22 dime.

23 Q. You mean after you went to prison?

24 A. Yeah.

25 Q. You lost touch?

1 A. Yeah. He never sent -- he never did anything. I said,  
2 like, Dawg, I'm keeping you out of prison, at least  
3 look out for me, but nothing.

4 Q. So did you know that we've been out to talk to other  
5 people who are in the Department of Corrections?

6 A. I was hoping you would. I gave you the list because  
7 over the years I've kind of preached this little  
8 subject to everybody.

9 Q. And was James Sneed one of the people on that list?

10 A. Yes.

11 Q. And would it surprise you to learn that James Sneed  
12 told us that you said you were innocent and Womble was  
13 the shooter?

14 A. Well, if you look through the time, I say he must have  
15 did it hisself. But if you look through all the times  
16 I petition the courts, all the time that I petition  
17 the courts I've always -- I've never plead guilty of  
18 it because I was thinking I was tried wrong, convicted  
19 wrongly, and I was trying to get myself out of the  
20 system, because I did resent him for doing what he  
21 done. But the deal is, the actual fact is nowhere  
22 near it. He definitely wasn't hanging out with me,  
23 and he definitely wasn't in Butner during that night.

24 Q. That's Willie Womble wasn't?

25 A. Yes, he wasn't. And I can't even imagine how he could

1 even know because Al didn't even hang out with anyone  
2 unless it was a woman, a girl. Because he called  
3 hisself a lady's man, so he never hung out with dudes,  
4 but me. I don't know.

5 Q. So I just want to clarify. A minute ago you said like  
6 when you've petitioned courts or written or done other  
7 things you were claiming that you were innocent until  
8 very recently?

9 A. Always; always. Just trying to -- I didn't like the  
10 way I was convicted, the statement reading and so  
11 forth and so on. However, you learn to accept  
12 responsibility for some of the things you do as you  
13 get older. I'm 60 years old now, I came in when I was  
14 like 20, actually 17. So in order to correct the  
15 wrongs, you have to face up to your responsibility  
16 kind of, sort of, and that's what I call myself  
17 talking to Willie.

18 Q. Now, you said you met with myself and Ms. Stellato  
19 twice. And have you talked with us since about a year  
20 ago when we saw you at Wake Correctional?

21 A. No.

22 Q. Has anybody promised you anything in exchange for your  
23 testimony today?

24 A. No.

25 Q. Did you know you were being brought here today?

1 A. No, not until 10:00-something this morning -- I mean  
2 last night --

3 Q. Okay.

4 A. -- that I had to go to court. And I said, for what?  
5 They say to be a witness. I say, for what? Because  
6 I've been in prison for 40 years, what I witness? I  
7 don't witness anything. But it kind of dawned on me  
8 that it's possible it could be this. And I said, no,  
9 I wrote you a letter. I think I wrote you all a  
10 letter. I've been talking to my sister.

11 Q. A letter recently?

12 A. The same envelope -- you gave me two envelope with  
13 stamps on them and you said if I can remember anything  
14 else, to get in touch. But after talking with my  
15 sister, I kind of wrote you a letter saying thank you.  
16 I didn't know if you were still on the case or not. I  
17 thought you all had dropped it. I'm not sure. But  
18 once I talked to my sister, she said that you all had  
19 gotten in touch. I said, okay, they are still working  
20 on this. Good thing. And I think I wrote you a  
21 letter saying it's a good thing that you still seeking  
22 justice for Willie, something to that effect.

23 Q. Is there anything that I haven't asked you that you  
24 think is important for us to understand what you're  
25 telling us?



1 A. Well, just on the sense that I have no ulterior  
2 motives, for one, because I don't. I'm not seeking  
3 anything. He don't owe me anything. He and I do not  
4 communicate because I still kind of resent the fact he  
5 inserted himself in this case because I wanted to get  
6 away with it, honestly. But now I've been eligible  
7 for parole since 2002 and therefore I've done the  
8 time. I've been punished for what I've done by the  
9 administration. I'm still punishing myself. Because  
10 now I feel like I can do some good based on this one  
11 murder because I'm from Durham and every week, every  
12 week someone gets killed in Durham. And I just feel  
13 because I've been in for 40 years I could stop that.  
14 I think I can cut that down at least by a third.  
15 Maybe not, but I certainly want to try because I owe  
16 that to the man's life I took. This is the approach  
17 that I take. So I mentor people, I write people, so  
18 forth and so on, but somehow I got to repay, if it's  
19 even possible to do so. But staying in prison is not  
20 going to help me repay because I've done everything  
21 the system has offered. It's just, it's greater  
22 things has to be done, it just is. But if I have to  
23 stay in prison, then I'm not mad with it because I  
24 think it's a God-given thing. This is not to rectify  
25 me or you or, you know, the Parole Commission, for

1 that matter. I think it's what God allows. So I do  
2 have a mission, I am on kind of a mission.

3 MS. MONTGOMERY-BLINN: Commissions, what  
4 questions do you have for Mr. Perry?

5

6

**EXAMINATION BY JUDGE SUMNER**

7 Q. Mr. Perry, I've got one question. You said you and Al  
8 Willis were living on what street in Durham?

9 A. Geer Street.

10 Q. Geer Street?

11 A. Right.

12 Q. How long had he been there before this event?

13 A. Well, I actually had the apartment. I had gotten it  
14 in my fiancée's name, Cynthia Parish. It was 305 East  
15 Geer, and it was an upstairs apartment, one bedroom,  
16 and he took the livingroom and I had the other bedroom  
17 once my fiancée kind of moved out.

18 Q. So the night of this event you say you don't remember  
19 whether or not you had a bandana on?

20 A. Well, I know we kept them in the car at all time when  
21 we going to do something. And whether I put it on my  
22 face or not that night, I want to say I did because I  
23 don't general -- when I do that, I don't generally go  
24 in to hurt anyone when we put a mask on. Because  
25 that's a little saying, you mask up then you don't

1 hurt, you don't pull the trigger on anyone.

2 Q. Did Willis have a mask on?

3 A. I want to say we did. I'm not sure. I don't  
4 remember. I don't remember, actually.

5 Q. And it's not possible that Willie Womble was a lookout  
6 for you that evening?

7 A. No; no. He wasn't a lookout. He's not in my circle.  
8 He doesn't travel with me. We don't -- I don't drink  
9 anyway, or get high, so he's just not in my circle,  
10 period. If you ever met the guy -- and I think I  
11 mentioned to these two ladies that if Willie could  
12 tell you one actual fact about this crime, then he was  
13 there. But he was not there. He can't tell you any  
14 of the fact because he know none of them.

15 Q. And it has taken you this long to tell this story  
16 because of what, again, now?

17 A. Because Willie inserted himself, he testified against  
18 me. In the prison system that's called snitching or  
19 ratting or whatever you might call it. And you really  
20 want to retaliate more so than assist anyone. But as  
21 you grow older, you, and you understand better, you  
22 don't want to retaliate. Especially if you seen  
23 Willie in the situation that I've seen him in, you can  
24 only shake your head and say, that's a shame that he's  
25 already kind of, in my own words, dead. I say he's

1 already kind of killed himself by the way he's done  
2 his time. It's like that. But I understand why,  
3 because he's actually in for nothing. And I don't --

4 Q. Say that again.

5 A. Because he's in for nothing. I don't think he's  
6 handling it very well, in my own opinion. I don't  
7 think he, I don't think he had the initiative to  
8 fight. Like myself, I go through the courtroom and I  
9 study, and I go to the library because I wanted to get  
10 this one wrong off of me for some reason. Even if I  
11 had to lie and say I had no participation in it, I  
12 wanted to get this off me because I didn't think it  
13 was just the way it was done. However, he didn't have  
14 that capacity, and I think it's worn on him over the  
15 years. A lot of times I hear people say that know  
16 Willie and know myself, your crime partner is at this  
17 camp or your crime partner is at that camp. But he  
18 has never been my crime partner and I always let them  
19 know that this is not my crime partner, this is the  
20 man that testified against me. He don't know nothing  
21 about the crime, he really don't.

22 Q. All right. Thank you.

23 JUDGE SUMNER: Any other questions?

24 MR. SMITH: Could I ask?

25 JUDGE SUMNER: Yes, sir.

EXAMINATION BY MR. SMITH

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Q. How old was Willie when you met him, when you first knew him?

A. When I first knew Willie? I wasn't staying in Cornwallis when I first knew Willie. I think I met his cousin first, a good guy named Dale Farrington. So I think I was staying on Bingham Street and I was about maybe 14.

Q. How old would Willie have been?

A. I'm not sure; I'm not sure. I'm not sure.

Q. Is --

A. I think I'm a little older, one way or the other.

Q. So he would have been less than 14 --

A. Maybe.

Q. -- when you met him?

A. Maybe.

Q. Was he still in school?

A. I don't know, because he just wasn't -- I don't know.

Q. What is he like? You said that he was slow. What did you observe about him, if you recall, that would tell you that he was slow?

A. Well, I told you we ducked school on occasions and all this. It's a group of us that ducked school, that play hooky from school. And Willie was kind of like the outside of just hanging out with the group, kind

1 of like that. But everybody liked him because he  
2 wasn't rowdy, he wasn't boisterous or anything. Even  
3 when he drink this little wines or whatever, he wasn't  
4 that type of person. And all of us kind of liked him.  
5 But this one cat was kind of bully, he was a bully  
6 type. I didn't like him particularly.

7 Q. Did he stay in school?

8 A. I don't know.

9 Q. You don't know whether he went on to high school?

10 A. I don't know because I just wasn't in his circle.

11 Q. Did you ever commit an armed robbery with Willie?

12 A. Not with Willie, no, ever. But I did set up that one  
13 job for Willie because Willie was --

14 Q. And that was a break-in?

15 A. No; no. It was a robbery.

16 Q. Of a store?

17 A. No. Specifically it was an insurance company.

18 Q. Insurance company?

19 A. Yes.

20 Q. And did he do that?

21 A. Yes.

22 Q. Did he get caught for that?

23 A. No.

24 Q. So he never served any time for that?

25 A. No. And when he, when he came back to our apartment,

1 I was staying on Geer Street at the time, when he made  
2 it back to the apartment I think he kind of brought  
3 the response team to the neighborhood kind of, sort  
4 of.

5 Q. Why did you stop school in the ninth grade?

6 A. Because I want to play football and I got cut off the  
7 football team. And I --

8 Q. If you'd stayed in school, would that --

9 A. I'd have played football and baseball.

10 Q. -- would that have changed the direction of your life?

11 A. Yes; yes. Right now I'm a professional student.

12 Q. Did anybody try to get you to stay in school?

13 A. Not particularly. My father wasn't in the household,  
14 so my mom say if you turning 16, you can quit school,  
15 but you're going to get a job. And when I did, I  
16 started smoking, quit school, and got some little  
17 mediocre jobs here and there. If I'd have stayed in  
18 school, no, none of this wouldn't happened because I  
19 really wasn't that type of person. I had a paper  
20 route at 14, sold apples, sold papers, made money.

21 JUDGE SUMNER: I'm sorry, but we need to  
22 stop for a second.

23 A. Yes.

24 MS. MONTGOMERY-BLINN: We just need to take a  
25 break. We've got a Commissioner that had to run out

1 for a second.

2 (THEREUPON, A SHORT RECESS WAS TAKEN FROM  
3 11:37 A.M. THROUGH 11:42 A.M.)

4 BY MR. SMITH:

5 JUDGE SUMNER: We'll resume. Mr. Perry, I  
6 think I cut you off in a mid-sentence. Do you want to  
7 finish what you were saying?

8 A. Where was I? 60 years old, you going to -- I mean --

9 JUDGE SUMNER: I understand, trust me.

10 Q. That's all my questions, thank you.

11

12 **EXAMINATION BY MS. PICKENS**

13 Q. Mr. Perry, when you first started talking about the  
14 night of this incident that you and Mr. Willis were  
15 together, and did you say you were driving your car, a  
16 Cadillac?

17 A. Yes; yes.

18 Q. When you got to the convenience store, this little  
19 Food Mart, do you remember where you parked the  
20 vehicle?

21 A. Yes.

22 Q. Where did you park?

23 A. On the side of the building right next to the street.

24 Q. At the convenience store, at the little Food Mart?

25 A. Right. It wasn't in the, it wasn't in front of the



1 store, it was off to the side kind of on the street.

2 Q. But it was beside the Food Mart?

3 A. Yes.

4 Q. Thank you, sir.

5 JUDGE SUMNER: Any other questions?

6

7

**EXAMINATION BY MR. VICKORY**

8 Q. The reason for parking the way you did, I take it, was  
9 to not draw attention to your car?

10 A. Yes, and because I was kind of familiar with Butner.

11 It was an easy route to go on down and get on the  
12 bridge and go to 85. It was pointing kind of in the  
13 right direction. Opposite direction of Durham, but  
14 still.

15 Q. But somebody just driving by the store wouldn't  
16 necessarily see you parked at the front door or out by  
17 the gas tank or anything like --

18 A. Actually, somebody seen it parked on the side, I  
19 think. I think in one of the testimony they say they  
20 seen a sedan. I was trying to figure out whether a  
21 sedan mean four door or two door. They kind of  
22 dispute that in some of my petitions, but that's where  
23 we're parked, on the side.

24 Q. But you recall actually thinking about where you were  
25 going to park your car when you got there?

1 A. No; no.

2 Q. Oh, really?

3 A. No, I didn't. Matter of fact, I didn't go there to a  
4 specific destination, as for that particular store. I  
5 didn't go there, we was kind of just shopping for a  
6 place that's convenient and quiet and whatever. I  
7 didn't just, just pick this, oh, I'm going to Butner  
8 and get this particular store. It wasn't like that.

9 Q. But you felt like Butner was maybe a right area for a  
10 robbery?

11 A. Yeah, because we -- yes, we have been to Bahama, we  
12 had roll around a little bit inside of Durham and some  
13 town, some place in Durham, then we went to Butner.  
14 Gas wasn't so expensive then, so --

15 Q. Had you robbed the place in Butner before that?

16 A. No; no.

17 Q. Was it your idea, though, to go to Butner?

18 A. Yeah.

19 Q. I take it from some of your conversations maybe you  
20 were, a lot of these series of crimes you were  
21 committing at that time may have been your idea, is  
22 that right?

23 A. As sad as it is, yes.

24 Q. Would you consider yourself probably the -- and I'm  
25 not looking to belittle anybody, and I know you aren't

1 either when you were talking about Mr. Womble, but  
2 would you consider yourself maybe the more intelligent  
3 of the group that you were doing these robberies with?

4 A. Between Al and myself?

5 Q. Yes.

6 A. Yes, because he -- I used to date Al's sister, so Al  
7 and I became friends. And he was also in the  
8 neighborhood and me and him has always kind of had a  
9 good chemistry, even when his mom passed. So Al told  
10 me a story one time that said his mother told him just  
11 before he passed that she would always look out for  
12 him. And so I kind of felt the same way when I was  
13 coming out on passes from when I was in Butner, I  
14 would come to his house and stay. There was no  
15 stipulations on where you could be. You needed no  
16 itinerary. So when I would come on by on those 24-  
17 hour passes from Umstead, I would stay at his house  
18 and then go back home and come back to the unit,  
19 because I was going with his sister. So he and I kind  
20 of formed like a bond. So when he got kicked out of  
21 his apartment or his house that his brother had given  
22 him, then I brought him in my apartment. His sister  
23 went with his older sister that's staying, he came  
24 with me.

25 Q. And that's more out of a sense of loyalty to him or his

1 mom or --

2 A. Yeah, just out of the fact that I just knew him and we  
3 was always cool.

4 Q. Did you find yourself trying to help other folks there  
5 in the neighborhood?

6 A. Always; always. I still do that to this day, it's  
7 just not to the extent of committing a crime. I won't  
8 do that, but I do that to this day.

9 Q. Well, when you referred to having a problem with  
10 Mr. Womble and some, maybe his crowd or whatever, I'm  
11 not sure if he had a crowd, but you were talking about  
12 him breaking into houses. You were concerned that  
13 maybe you need to aid him to seek a reformation in the  
14 way he was --

15 A. That too, but mostly because the houses he was breaking  
16 in was people in the project, and somehow that just  
17 don't fit. You don't, these people don't really have  
18 a lot; these people don't have a lot. But they were  
19 still kind of stealing and little petty stuff, their  
20 TVs and stuff like this.

21 Q. So you took it upon yourself maybe to find him a  
22 better --

23 A. Yeah --

24 Q. -- so to speak?

25 A. -- I did; I did. I said, look, you can just go get

1 the money then buy what you want if you just need  
2 money. And I say, I try to help you get a little easy  
3 job that you can't hurt nobody, and that will help you  
4 get some money. And that's what he done.

5 Q. So you lined up the, or scouted out the insurance  
6 company, is that the way it was?

7 A. Well, actually, it was my insurance company.

8 Q. Now, what do you mean by that?

9 A. I had a Coupe de Ville and it was my car insurance  
10 company.

11 Q. Okay. So you were customer of that insurance company?

12 A. Yes.

13 Q. And you had been in there to make payments, I take  
14 it --

15 A. Yes.

16 Q. -- and knew where they kept the money?

17 A. Yes. And I was adamant about him -- I didn't really  
18 want to have him a gun, period. But I was adamant  
19 about him not shooting anyone because these were some  
20 good people and I knew them very well. And he didn't,  
21 he pretty much did, just got money and just ran, I  
22 guess, I'm not sure, but he made it back to my  
23 apartment. But that's the last I seen him. And  
24 that --

25 Q. Did he take a gun with him?

1 A. Yes, I gave him one with only two bullets. But he,  
2 he's not a shooting kind of guy and I kind of made it  
3 plain, don't shoot anybody, just go in the little  
4 wooden drawer and get the money and just leave. And  
5 that's what he done.

6 Q. Why did you give him bullets?

7 A. Because guns come with bullets. We just -- and I  
8 didn't think he would, no way, but he didn't.

9 Q. Take it for just in case type --

10 A. Yeah, I guess; I guess. You know, when you're young  
11 and you're irrational, you just, I don't know, you  
12 think you got all the sense during those times, but I  
13 think that was one of them situation where the, would  
14 be -- I was just, I don't know, they kind of build me  
15 as a little Robin Hood type guy who get money. Even  
16 when I got money I would come give it away, come to  
17 the projects and give it to whomever may need it, buy  
18 groceries, all kind of stuff for other people.

19 Q. And that kind of goes in with your philosophy that  
20 it's better to rob businesses and people with money  
21 rather than break into their homes, people in the  
22 projects?

23 A. Yes; yes. Yes.

24 Q. The gun you gave him, what kind of gun was it?

25 A. I don't think it -- it was a revolver type, a little,

1 small gun, I think. I'm not sure, don't remember.

2 Q. Did he bring it back with him?

3 A. Yes.

4 Q. Did he come back --

5 A. It might have been a bigger gun, but I'm not sure.

6 Q. He hadn't shot it, though, that you know about?

7 A. No; no.

8 Q. And when he brought it back or brought the, came back

9 to your place after the robbery of the insurance

10 company, where did he go?

11 A. Well, actually, I put him up in my loft because the

12 neighborhood was kind of swarming with police. And I

13 had a little push-up loft right beside the stairs

14 because I lived upstairs, and I put him up there till

15 the nightfall, and after that he went, he left after

16 we split the money, he just left.

17 Q. When you say a push-up loft, is that like an attic or

18 something?

19 A. Right; right.

20 Q. You could close the door behind him?

21 A. Yes.

22 Q. Did the law ever come looking for him?

23 A. No, but they came looking for me.

24 Q. Did they think you were involved?

25 A. Because I was on parole and that's kind of like my MO,

1 and they knew where I lived. I think they, they took  
2 me downtown and questioned me about the situation.  
3 And he was up in my loft at the time. And I made, I  
4 made sure that the ladies was safe because I think it  
5 was two or three people in there at the time. And  
6 they were sitting in the police station. And he  
7 looked at me and I kind of recognized him, and that  
8 was a good thing, and after that. That's the only  
9 time I ever seen him.

10 Q. When he came back to your house with the money, did  
11 you get any of it?

12 A. Yes.

13 Q. So you all split that money?

14 A. Yeah.

15 Q. And do you consider yourself as being a part of that  
16 armed robbery?

17 A. Yes; yes.

18 Q. I mean, you understand about acting in concert and  
19 accessory after the fact, those types of concepts, I  
20 take it?

21 A. Yes; yes.

22 Q. Did you mentor anybody else for any armed robberies?

23 A. No. Over the years -- well, during those little time  
24 there I've always had little convenience stores and  
25 things kind of, if you need \$500 or \$600, I would get



1 it, whatever, without hurting anyone.

2 Q. So you did them yourself most of the time?

3 A. Mostly. And Al, when he moved in, he and I would do  
4 it on occasion. But it wasn't a regular thing, it  
5 just whenever we need, might need money, some of this  
6 nature.

7 Q. Willie was the only person you specifically ever  
8 coached through a, like held a hand, picked it out for  
9 him?

10 A. Well, Al was, Al was a kind of long term because --  
11 then once we did it a couple time, he wouldn't leave,  
12 he wouldn't go get his own apartment or go get his own  
13 car or whatever; he wouldn't leave.

14 Q. Right.

15 A. So he and I kind of hung together.

16 Q. So what I'm saying is you mentored Al and then you  
17 mentored Mr. Womble. Those are the only two that you  
18 ever taught robbery?

19 A. Pretty much; pretty much. It's been other little guys  
20 I just gave money to or from robberies or whatever.

21 Q. Did you ever do a robbery in that time frame there  
22 where you used a lookout?

23 A. Well, I tried to use a lookout one time and the man  
24 kind of chickened out and I kind of shot myself in the  
25 process. And so --

1 Q. You shot yourself?

2 A. Yeah. It was just, just a situation where no one got  
3 hurt but me because the --

4 Q. Are you talking about you physically shot yourself?

5 A. Yes, because when you have a lookout and I was trying  
6 to do too many jobs at one time and kind of shot myself  
7 in the leg.

8 Q. But you at some point recognized that maybe a lookout  
9 might be a valuable thing, especially if you get  
10 occupied inside a building?

11 A. No, sir.

12 Q. You did not?

13 A. What I recognized from this shot was the fact that I  
14 am not doing nothing with nobody else because they're  
15 unreliable.

16 Q. How many robberies would you say you were involved, or  
17 can you even tell us back during that time frame?

18 A. I don't know, maybe five, six, somewhere in there.  
19 But only two that, where people was, someone were hurt;  
20 only two.

21 Q. One was with you and one was in this case?

22 A. One was -- yeah; yes. Just one that I'm convicted of  
23 both, I'm convicted of both of those robberies.

24 Q. Nobody ever upset you in any of the other robberies to  
25 cause you to shoot them?

1 A. I never get -- I never got upset other than the fact  
2 that they may say something like the N word or, I  
3 ain't giving you nothing, or something to that nature.  
4 Then I said, what? I got a gun. You supposed to give  
5 the money up first and get this back, you aren't  
6 supposed to rebel, something like that. I was  
7 thinking on those terms.

8 Q. You were kind of sending the message, I guess, if  
9 you're getting robbed by me, you better not give me  
10 any lip, is that --

11 A. No, that's -- I wasn't no bad person. I never been a  
12 terrible person like that, or angry, or evil to that  
13 extent where you better not mess with me. No, I've  
14 kind of -- if I had to describe myself, I would say  
15 I'm probably one of the most kind hearted people in  
16 the world. But during those younger days, then it was  
17 just give the money up because they're going to give  
18 it back to you. But sometimes you -- those couple  
19 instances you just run into people that was kind of  
20 adamant about not giving or not obeying any orders,  
21 whatever. That was just two occasion.

22 Q. Have you talked to anybody, a publisher or anything,  
23 anybody about the book?

24 A. No; no. No.

25 Q. Talked to anybody about getting to write --

1 A. It's just an idea that I have that I need to write my  
2 autobiography, 40 years down under and probably a  
3 truthful autobiography about my life.

4 Q. Have you thought about it, like made any notes or  
5 started writing the manuscript or anything like that?

6 A. Only thing I actually started writing is when  
7 situations happen to me within the institution, and  
8 then I would start writing about that particular  
9 incident. For instance, the taking of our MAPP and  
10 the -- I was given a MAPP one time and they took it  
11 five days before it's time for me to go home, after  
12 being on work release, home pass, and so forth. And I  
13 started writing about that because I never understood  
14 why. Until this day I still don't know why.

15 Q. Were you part of that group that --

16 A. Yes.

17 Q. -- the governor --

18 A. Yes.

19 Q. -- pulled the plug on?

20 A. Yes.

21 Q. Mr. Jones, Alford Jones was one of those, too, right?

22 A. Yes; yes.

23 Q. So you had some resentment about that, I'm sure?

24 A. Of course. It stopped me going home and I have an A,  
25 B, and a C plan as far as something very, very

1 positive; very positive.

2 Q. The process of actually selling a book, have you  
3 thought much about --

4 A. No; no.

5 Q. -- about that?

6 A. It just something, it's, the book situation -- I  
7 listened to the two ladies -- it's because it's one of  
8 them things in the back of your head that I plan to do  
9 before I pass, because this story need to be told. I  
10 just kind of think people might be interested, or  
11 whatever. It may never come to fruition; it may not.  
12 I don't know, I'm not sure. Because I know I got to  
13 work. I got a degree in computer with that in mind.  
14 It maybe talk it out on the computer instead of  
15 sitting down and writing it. But it may or may not  
16 come to fruition, I'm not sure, but I really want to  
17 do it.

18 Q. Have you ever thought about the angle that, you know,  
19 somebody dealing with the struggles of a lifetime and  
20 the things that have happened to them over the years  
21 might just be just another story, but if you throw in  
22 this little hook of doing the right thing, innocence,  
23 you might sell some books?

24 A. No.

25 Q. That never crossed your mind?

1 A. No, I haven't even thought about it to that extent. I  
2 really haven't thought about a publisher or anything  
3 of that nature, really. But I do feel that it would  
4 be a story worth telling at some point. And most  
5 likely it's talking, but definitely not for -- no,  
6 that's too far ahead and, plus, it's too much work to  
7 write a book, that's the way I look at it. So I went  
8 and got degrees and diplomas and everything else. I  
9 just like working with my hands, kind of, sort of.  
10 I'm a maintenance tech, so I get my certifications in  
11 all these other thing because I like working with my  
12 hands. However, I do like working with groups of  
13 people, too. Because like I mentioned earlier, Durham  
14 has a problem. Over the years I've seen it. And I  
15 think I owe the guy, Mr. Brently, I think is his name  
16 in Butner, a chance to save somebody's life;  
17 somebody's. And I don't know if it's going --

18 Q. Do you know the man's name?

19 A. I don't know if it's going to make it up for me for  
20 what I've done; I don't know, but I definitely want to  
21 put an effort towards it because Durham is --

22 Q. Do you remember the man's name that you murdered?

23 A. I do. I think it was Brently, because I never forget  
24 it because I never forget his face, kind of, sort of.  
25 But the name kind of escape me because sometimes it's

1 clear and sometime it's not. I don't want to seem  
2 insulting to him, but it just old age, I give it now.  
3 Because one time I used to think about it all the  
4 time.

5 Q. You got any ideas about how you're going to cut this  
6 murder rate down in Durham by a third?

7 A. Yes, I won't go to the churches and do it, and I won't  
8 go to the big meetings and do it. You got to get in  
9 the neighborhoods; you got to get in the  
10 neighborhoods. Being in prison for as long as I have  
11 and seeing these guys once they get on TV and they've  
12 committed these murders, these accidental murders,  
13 these pride murders, and then they get on TV and they  
14 went by like little kids and then they want mama to  
15 help them, I got to let them see themselves ahead of  
16 time. They have to see themself after the effect if  
17 they remain being careless.

18 Q. Most of them are --

19 A. Just pulling the trigger just to be pulling it.  
20 Accidental shootings or drive-by shooting just become  
21 a part of a gang when the gang don't care about --  
22 they got to see that once they come in the system, the  
23 gang don't care anything about them. There's no  
24 conflict between Bloods and Crips because once you  
25 come in the system, you're one in the same, you get

1 along. So why the conflict have to be in the street?  
2 They got to understand the terms of a gang. Gang mean  
3 you take care of your community and the old folks in  
4 your community. You don't do it by violence, you do  
5 it by doing something constructive. Gangs wasn't out  
6 there when I was out there. Crack wasn't out there  
7 when I was out there. This is something I'm learning  
8 while I'm here how to tackle and how to deal with. So  
9 I don't know how effective I'll be. Heck, I've got  
10 the first challenge of getting out of prison, and they  
11 don't seem to want to let me out on that. But as my  
12 mom says, I got to walk out just like I walked in or  
13 else I stay in, it can't be any other way. But once I  
14 walk out, I got to be prepared to never walk back in  
15 and to prevent anyone else from coming in. I don't  
16 know how much, how effective I'll be, but I do know  
17 that I'm going to save somebody life; I do know this  
18 because I know how.

19 Q. Do you think that most of those young men see  
20 themselves as something that they really aren't?

21 A. Always. I seen myself as something that I really  
22 wasn't. I wasn't really that smart, like Willie  
23 Womble. Because if I were that smart, then I would  
24 have valued every life and every piece of property  
25 that you may own or he may own or anyone else may own,



1 that they have a right to own these things. Heck, I  
2 want to own something. I don't want nobody come take  
3 it. I got to be -- I'm 60 years old, about to turn 61  
4 in December. So if I turn 61 and I'm almost at  
5 retirement age, who's going to hire me now? So I got  
6 to get out there and be beneficial to myself, for one.  
7 Of course I'm marketable because I kind of stayed kind  
8 of in shape or whatever, and I've educated myself in  
9 some certain areas. But that doesn't mean I'm going  
10 to get a job, so I got to be able to do something.  
11 But coming back to prison is not an option.

12 First time I've ever had on such thing as  
13 this. I seen it in the slammer, but I would never  
14 have on another one. Hopefully you all will arrange  
15 something another way, because I never want to put on  
16 this again. This is torture.

17 Q. Thank you.

18 COMMISSIONER SANDS-BELLE: May I ask a  
19 question?

20 JUDGE SUMNER: Ms. Sands-Belle. We'll get  
21 you next. Yes, ma'am.

22  
23 **EXAMINATION BY MS. SANDS-BELLE**

24 Q. Mr. Perry, you talked about involvement with the  
25 Jaycees. Would you tell us a little bit more about

1 that?

2 A. I'm always involved in some civil activity or working  
3 with some union trying to get things solved. But at  
4 Butner they started a Jaycee chapter sponsored by our  
5 Oxford chapter, I think it was, or a Henderson  
6 chapter. And we wanted to start a chapter and I  
7 became the first interim president, and then later on  
8 voted in as the president. And so it was my  
9 responsibility to come up with projects to make money  
10 and sponsor a couple of families that can't have toys  
11 for their kids and so forth and so on, and that's what  
12 we did.

13 Q. Was that while incarcerated?

14 A. That's while incarcerated, yeah.

15 Q. Okay.

16 A. This was at Umstead, which kind of made me familiar  
17 with Butner in a sense.

18 Q. And you talked a lot about being, you know, hopefully  
19 coming out and doing some, you know, some good things  
20 in the community.

21 A. Going to.

22 Q. My question to you is, your coming out, how do you  
23 think that would impact the victim's family that's had  
24 to endure a total life change?

25 A. That's a very good question, however, it's been a lot

1 of years; a lot of years. And I don't think me  
2 staying in right now would benefit. But how it would  
3 impact the family, I can't, I really can't answer  
4 that.

5 Q. And how many years do you think it would take for you  
6 to be in jail to in any way kind of give them some  
7 sense of wholeness and, I guess, a sense of justice?

8 A. Being in jail I don't think would give them any sense  
9 of justice. But what I do once I've been in here and  
10 get out, what I do after that may. What I do in the  
11 name of Mr., I think it's Brently, I want to say it --

12 I can't think his name, but I do know it start with a

13 B. I do know this: In my heart I don't know how it  
14 will impact the family, but in my heart I know it  
15 would benefit me, because I never, ever be able to  
16 replace their father or their husband, that's  
17 impossible. But I may very well be able to save  
18 someone else's brother, mother, sister, father.

19 Q. What would you say to that family if they could hear  
20 your right now?

21 A. I don't even think sorry would be enough, honestly.  
22 That's why I'm not big on saying I'm going to do this  
23 and I'm going to do that. I'm not that kind of cat.  
24 But I can show them. Right now I teach a lot of guys  
25 -- I study a religion called Moor Science. And the

1 Moor Science teaches you about yourself; basically,  
2 that's it, and the God that dwells within you. And  
3 it's not so much of you trying to get God in your life  
4 as it is that you're trying to extract God from within  
5 and portray it outwardly. So what I do on the camp is  
6 not so much attend Christian services and so on. I  
7 seen so many people put the Bible down at the door and  
8 walk out the gate and be back in six months. But I  
9 think it's what character you demonstrate, what -- how  
10 you apply that lesson to your character that matters  
11 the most, because then you're going to walk that walk  
12 and you're going to talk that talk, but you're going  
13 to be what you are. Do you understand what I'm  
14 saying? Does that make sense?

15 Q. (No audible response.)

16 A. So on the camp I am who I am and what you see is what  
17 you get. But it's always going to be about love,  
18 always. It's not going to deviate from that.

19 JUDGE SUMNER: Ms. Surgeon.

20 MS. SURGEON: Thank you.

21  
22 **EXAMINATION BY MS. SURGEON**

23 Q. Mr. Perry, did you and Mr. Willis discuss this robbery  
24 days before you actually went to Butner?

25 A. No; no.

1 Q. Did you all ever discuss with anybody else that you  
2 were going to be doing any robbery?

3 A. No. You -- those kind of things, well, we're going to  
4 do some robbing, no.

5 Q. And it was just the two of you?

6 A. Because we stayed together and we knew when we needed  
7 money, rent, whatever. And so we would just go find  
8 something to rob, nothing major. We weren't going to  
9 rob a bank because I don't think either, either of us  
10 had the heart to do that. But we would always do  
11 something that would get a few hundred and get us  
12 through just for the moment, just for the, a short  
13 time.

14 Q. So just the two of you and no lookout, no third  
15 person --

16 A. No.

17 Q. -- at all?

18 A. No, because generally we just look at the place and  
19 say, okay, we got two or three minutes to go and rob  
20 this and get out of here and run. Because generally  
21 it doesn't take no more than two or three minutes,  
22 so --

23 Q. So when did you first hear that Mr. Womble was making  
24 statements about what happened or what he said  
25 happened?

1 A. We never heard; we never heard. Actually, they had  
2 brought me from the Durham County Jail to the  
3 Granville County Jail, and the first that I even knew  
4 about Willie even being involved in this case  
5 whatsoever was the SBI, two of them and a, I think it  
6 was a regular policeman, walked in through the jail,  
7 say -- and I know him, I ask him, what the heck are  
8 you doing up here? And that's only thing I ever said  
9 to him before he got on the stand.

10 Q. When he got on the stand?

11 A. That's before he got on the stand. That's the only  
12 thing I -- what are you doing up here in Granville  
13 County, basically what I'm asking. Because he walking  
14 with the two SBI agents. And they looked back and,  
15 they looked back and said, we got you now, with the N  
16 word.

17 Q. Referring to who?

18 A. Me.

19 Q. So when, you were in the courtroom when Mr. Womble  
20 testified?

21 A. This was actually during the trial, yes.

22 Q. Was this during the probable cause hearing --

23 A. No.

24 Q. -- or during the trial?

25 A. This was during the trial.

1 Q. Were you present for his probable cause hearing?

2 A. No. I don't even know when he had a probable cause or  
3 a trial, for that matter. Only thing I seen was him  
4 when he came into Central Prison a year or so later,  
5 whatever. He had on green clothes, which is  
6 safekeeping.

7 Q. So were you ever present to hear him make statements  
8 about what was supposed to have happened from his  
9 perspective?

10 A. No, just in open court. Oh, from his perspective,  
11 never. But just when he got on the stand in court  
12 that he said anything and retracted it.

13 Q. Were you present when he got on the stand?

14 A. Yes.

15 Q. So what did he say about what happened and how he knew  
16 anything?

17 A. He never said how he knew. He just said he was with  
18 me and Willie, and he say he was with me, BooBoo  
19 Frazier, Al Willis, and himself, and we went to  
20 Butner. I drove my car. This is what he was saying  
21 on the stand. And he said, I shot -- he made it  
22 specific, I shot the man three times.

23 Q. Referring to --

24 A. Me.

25 Q. -- you?

1 A. Yes.

2 Q. Okay.

3 A. At the time I didn't know anything about a statement  
4 that he had written or supposedly had written. And,  
5 but then in the middle of his testimony he just  
6 changed his testimony, say I was nowhere near, I was at  
7 home watching this program and that program. And  
8 everybody started getting louder in the audience. The  
9 judge hitting his gavel, and his lawyer's jumping up  
10 and asking for dismissals. And two of the guys walks  
11 out of the courtroom and they takes me back to the --  
12 of course my lawyer asked for a dismissal, I think his  
13 name was Cross, and they denied it. Took me back to  
14 the jail and I never seen him again until he came into  
15 Central Prison.

16 Q. So what specifically did he say, if anything, that was  
17 correct about what happened?

18 A. Nothing. He just say he was with me and I shot the  
19 man. That's basically all that, that he was saying  
20 until he retracted his statement, I was with him and  
21 all with BooBoo --

22 Q. Did he have any specific details about what happened?

23 A. He didn't express any specific details other than the  
24 fact we all went in the store and he was there and he  
25 seen me shoot the man. That's what he said.



1 Q. He said all four of you went into the store?

2 A. Yeah. He say all of us was there. And that's so --  
3 so it was no truth to this matter; none. BooBoo, he  
4 don't even break the law. He's a whorehead, he kindly  
5 just drinks. Good guy though, but just drinks. He  
6 never come to prison because he's still out there. I  
7 seen him on home when I was on CV passes one time.  
8 He's like, Joe Perry, and gave me \$20, but no.

9 Q. Do you know whether Mr. Womble can read?

10 A. I don't know.

11 Q. You don't know?

12 A. Uh-huh (yes).

13 Q. Do you know if he can write?

14 A. I don't know.

15 Q. And you don't know exactly how far he got into school?

16 A. I don't.

17 Q. Was he in special classes when he was in school?

18 A. No, because he was never in the schools that I was in.

19 Q. Thank you.

20

21 **FURTHER EXAMINATION BY MS. PICKENS**

22 Q. Mr. Perry, you spoke about your mother. Is she still  
23 living?

24 A. Yes. She just turned 85 May 24.

25 Q. Did you get at one time home passes, did you say?

1 A. Yes.

2 Q. When you received your home passes, where did you go?

3 A. I stayed with my sister at her home.

4 Q. You stayed with your sister?

5 A. Yes.

6 Q. Was that in Durham?

7 A. Although -- yes, it's in Durham. Although my mother,  
8 my brother, and my sisters, they was all kind of  
9 sponsors, could pick me up from the unit.

10 Q. And those home visits, was that for a weekend --

11 A. Yes.

12 Q. -- or just overnight?

13 A. Over, it's overnight. Sometime 24 hours, sometime 48  
14 hours.

15 Q. During those home passes that you got did you ever see  
16 your friend, Mr. Willis?

17 A. No, he was in, he was in the system.

18 Q. So Mr. Willis was --

19 A. Oh, you mean Willie -- you mean Albert Willis?

20 Q. Yes.

21 A. No, not once.

22 Q. Was he still living in Durham, or do you recall?

23 A. I guess. I have not -- matter of fact, that is  
24 strange. Not once did I see him on CV passes or home  
25 pass. Didn't know where the -- what was happening.

1           Didn't really want to see him, actually. He hadn't  
2           done anything for me since I was in the system, so I  
3           really didn't want to see him.

4           Q.    So from the moment you went into the system until he  
5           died in 2011 you had no contact?

6           A.    None.

7           Q.    But you held true to your faith and your code?

8           A.    The deed was done and, in all honesty, I was the  
9           culprit, in all honesty. And whether I felt like I  
10          was treated fairly or not, I did know that justice had  
11          been done with me as far as putting me in the system.  
12          They was kind of like following along, kind of, sort  
13          of.

14          Q.    The fact that he never wrote, never contacted, never  
15          sent money, never came for a visit, never got you  
16          cigarettes, that did not --

17          A.    No.

18          Q.    -- bother you?

19          A.    No, because he wasn't obligated to me; he wasn't  
20          obligated.

21          Q.    But he had been like a brother?

22          A.    Well, not like a brother because I got four other  
23          brothers, but -- or three now, but a very good friend.  
24          Or I, more or less, was a very good friend to him, you  
25          might say, more so than anything --

1 Q. I started to say maybe you were a little bit better  
2 friend.

3 A. Yeah, I was a better friend to him than he to I, I  
4 think. But generally, that's the way it always is.  
5 Generally, that's what it is because I consider a  
6 friend a friend, and they didn't. And so generally,  
7 it last a long lifetime with me when they are very  
8 good friend. Not one that's going to cause me any  
9 harm or anything, but if you're a friend, I know the  
10 true value of a friend. So with me, if you get a  
11 friend in me, you got a good friend. Not to the  
12 extent that I'll commit a crime for you no more, but  
13 yeah.

14 Q. Thank you.

15 MS. SURGEON: I have another question.

16 JUDGE SUMNER: Yes, ma'am.

17

18 **FURTHER EXAMINATION BY MS. SURGEON**

19 Q. Mr. Perry, why do you say that you were treated  
20 unfairly if you are serving a sentence for an armed  
21 robbery that you admittedly committed and a murder  
22 that you admittedly committed?

23 A. Treated unfairly? I don't understand.

24 Q. You just said that you --

25 A. Oh, oh, okay.

1 Q. -- were treated unfairly.

2 A. Excuse me; excuse me. By the means of which I was  
3 convicted. I mean, I believe in justice. Right now I  
4 believe in law probably more than most. But the law  
5 don't seem to have any criteria when it comes to guys  
6 who've committed crimes. Although we partially  
7 citizens, it just don't -- the means in which a man is  
8 convicted should be just. Although he may have  
9 committed the crime I think the facts should be stated  
10 correctly.

11 Q. So are you saying that you were treated unfairly  
12 because essentially you were convicted based on, I  
13 guess, the testimony --

14 A. Of false testimony.

15 Q. -- of --

16 A. Yes.

17 Q. -- someone who --

18 A. Was not there, didn't have no knowledge.

19 Q. -- didn't have that information?

20 A. Yes, ma'am; yes, ma'am. Yes, ma'am.

21 Q. And is that why you have waited so long additionally  
22 to come forward with the information regarding  
23 Mr. Womble's innocence?

24 A. No. To come forward earlier than Al's death would  
25 mean I would have to implicate Al if to tell the

1 truth. And I would, if I came forward, I would have  
2 to tell the truth because I'm obligated to do so not  
3 by your right or by the law's right, but because it's  
4 just me. And then I would break some little code in  
5 bringing him into the system when truly and honestly  
6 it was mine, my doing, 99 percent of it, the planning,  
7 the where we went, I was driving the car. So they got  
8 the right man, basically.

9 Q. But in your code and of what you've expressed, it's  
10 more important to protect someone who was, in fact,  
11 with you and involved rather than to bring forth  
12 information about someone who clearly was not  
13 involved?

14 A. But the thing is, I did not implicate him. I did not  
15 put him in the position that he was in. He  
16 voluntarily stepped in that position. If I would  
17 have, if I would have caused him to be where he was,  
18 then I would have corrected that, too; I would have,  
19 honestly. If, for instance, they would have gotten me  
20 and Al and Willie, I would have came forth much  
21 earlier and say, look, Willie didn't have anything --  
22 as a matter of fact, he wouldn't of never went to  
23 trial because I just don't believe in people being  
24 punished for -- but he implicated himself in this  
25 situation. I was pissed with him, to be honest, that

1 he did what he done. So I'm not that evil guy who's  
2 saying, I don't care, you can hurt if I'm hurting.  
3 No; no. No, that's not me, that's not my character.

4 Q. Thank you.

5 JUDGE SUMNER: Mr. Smith.

6

7 **FURTHER EXAMINATION BY MR. SMITH**

8 Q. Why in the world do you think Willie confessed to  
9 doing something he didn't do?

10 A. I never knew he did. I mean, I don't know why he got  
11 on the stand. I don't know. That puzzles me to this  
12 day.

13 Q. Was there any other evidence against you other than  
14 Willie's testimony?

15 A. Other than the fact, I think one guy said he seen a  
16 dark sedan parked beside the store, and I think the  
17 little girl who said it was a tall man and a short man  
18 with no true -- but if she would have seen me, I do  
19 know she would have known me; I do know that. And  
20 please, please, please, please don't think I would  
21 have done that to a child, because I wouldn't. Please  
22 don't think that.

23 Q. But they got the right man, but they had --

24 A. The wrong --

25 Q. -- a witness who didn't know anything about it?

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A. True.

Q. Did your lawyer cross-examine him?

A. No, never got the opportunity because he change his testimony in midstream when the DA was questioning him.

Q. When he changed his testimony did your case still go to the jury?

A. Yes. Not that particular day. They came back and tried me on his statement. Obviously, he had written a statement and the DA actually got before the court and read the statement, maybe four pages, four or five, but deleting my name. And I thought that was so unfair. But that's what I argued in the courts more than anything else.

Q. So they accidently got the right man?

A. Pretty much, yes. By whatever means they use, yes.

Q. And so justice was done?

A. Yes.

Q. But in a strange way?

A. Yes; yes.

Q. And you admit that you caused the death of another human being?

A. Yes, I did.

Q. Are you sorry for that?

A. Very much so. I regret it to this day.



1 Q. If you had a chance to tell the family of that man,  
2 would you tell them you were sorry?

3 A. Yes; yes. But I don't think even in saying it, I  
4 would want them to see it. I wouldn't just want them  
5 to hear my word because, as we know in some of the  
6 sciences that I study, a man can make his mouth say  
7 anything. And I'm just not one of those kind. When I  
8 speak, I basically speak from the heart.

9 Q. Thank you.

10

11

**EXAMINATION BY SHERIFF VAN DUNCAN**

12 Q. Tell me just a little bit more about Al Willis as far  
13 as your feelings toward him for not being more  
14 supportive while you were incarcerated.

15 A. Well, it really wasn't too much to feel about him not  
16 doing some of the things that I probably would have  
17 done, and I measure what he should have done by what I  
18 would have done.

19 Q. I understand. What are some of the things that you  
20 would have done had the roles been reversed?

21 A. If they would have gotten him?

22 Q. Yes.

23 A. He probably wouldn't have needed anything. On  
24 occasions I would sent money, probably would send him  
25 little girl to visit him or something, bring him food

1 or whatever. But I would have done that because it  
2 would have been the right thing to do. But he didn't  
3 think to that extent or he didn't care to that extent,  
4 I don't think. And plus, in hindsight that I think  
5 about Al, you might say he was a little bit selfish  
6 because it was the girl, there was the party, and then  
7 so forth, and that's all he basically want to do. But  
8 he was a good guy still, in my mind. But he never  
9 hurt anybody, he never have in nothing that we done.  
10 Although he may have accompany me and was just as  
11 guilty as I, he never actually hurt nobody. And for  
12 that I kind of respected. And believe me, people,  
13 please know that this thing graduated to that point.  
14 Because it went to -- adamant, very adamant about  
15 hurting, not hurting anyone. And it just kind of got  
16 to that point. And it's always some little trigger.  
17 I'm not going to do nothing, I'm not going -- okay,  
18 just say whatever, something like that. It doesn't  
19 justify it, but that just what happened during those  
20 times.

21 Q. How did you become aware of the Innocence Commission  
22 process to be able to petition?

23 A. Well, because I was working with the courts for so  
24 many years trying to get -- you know, the law  
25 libraries in the earlier years and so forth, and tried

1 to get my case back in court, that you learn about the  
2 Innocence Committee and the things they are doing with  
3 certain cases and so forth and so on. And I knew at  
4 the time that I submitted this letter here to the  
5 Innocence Committee that they were his only hope.  
6 Being that Al was dead, if the story was to be told --  
7 even if they even accepted the case. I'm not even  
8 sure if they would, but I would tell them the story  
9 just the same. And to me, just by telling them the  
10 story, whether they accepted it or not, I had done my  
11 part. I done what was right and just, whether they  
12 accepted it or not. And then I can move on to do  
13 whatever, you know, better things or whatever. So I  
14 didn't stay in touch with these ladies or keep writing  
15 and say, well, add this to it and add that to it,  
16 because once I told them this, it was in, basically in  
17 their hands. I kind of relieved myself of that, that  
18 burden I've been carrying for so many years.

19 Q. Did you follow or look at any other Innocence  
20 Commission cases that took place while you were  
21 incarcerated?

22 A. It's very hard not to see the ones about some of the  
23 rape cases and so forth and so on because I study law  
24 and I kind of work with my cases and you run across  
25 these situations from time to time. So you know if

1 you want to get something corrected, at least get it  
2 looked at, you have to send it to the Prison Legal  
3 Service or you send it to the Innocence Committee.  
4 And if you had any merit whatsoever, they would at  
5 least seek it out.

6 Q. So you would be familiar that Mr. Womble might be  
7 entitled to some financial --

8 A. That wouldn't have anything to do with me though, none  
9 whatsoever. Matter of fact, he had no knowledge that  
10 I even wrote the Innocence Committee. He and I did  
11 not talk. Matter of fact, he pretty much avoided me  
12 when we were on the unit together, and I had no words  
13 for him. Aside from that one instance at Wake in  
14 2011, I ask him how did he insert hisself in this  
15 case, or I in his. And then that's the only words we  
16 actually ever said the whole period.

17 Q. Thank you, Mr. Perry.

18

19 **FURTHER EXAMINATION BY MS. SURGEON**

20 Q. What did he say when you asked him how did he get in  
21 the case?

22 A. He said the SBI told him, did it.

23 MS. MONTGOMERY-BLINN: Thank you for  
24 testifying today, we have no further questions. Your  
25 Honor, I'll ask that he be released from the writ and

1 be able to return this afternoon.

2 JUDGE SUMNER: You're excused. Thank you.

3 MS. MONTGOMERY-BLINN: Thank you, Mr. Perry.

4 A. Thank you. May I say one other thing?

5 JUDGE SUMNER: Yes, sir.

6 A. If given the opportunity to speak to the family, and I  
7 wish I will at some point, be it out or in, I do want  
8 to apologize, I do, from the heart, because I really  
9 do regret doing that, I regret it.

10 JUDGE SUMNER: Thank you, sir.

11 (MR. PERRY IS EXCUSED FROM THE PROCEEDINGS.)

12 MS. MONTGOMERY-BLINN: The Commission also  
13 obtained a court order to monitor Mr. Perry's incoming  
14 and outgoing mail, phone calls, and visitor log from  
15 the Division of Prisons. Mr. Perry is not aware that  
16 his calls and mail have been monitored by the  
17 Commission other than that they are monitored by DOC.  
18 The phone calls we received start immediately after  
19 our first interview with Mr. Perry and go up through,  
20 we obtained the last batch on Wednesday. We've  
21 listened to the phone calls and transcribed any call  
22 where he discussed Mr. Womble or his case, and the  
23 transcribed portions of those calls have been  
24 condensed into a handout, not the entire calls, just  
25 the relevant portions to the case. We also reviewed

1 all of the mail and the visitation logs, and none of  
2 the mail discussed anything relevant to the case. So  
3 we're going to hand this out and ask if you'll take a  
4 little bit longer lunch recess, maybe you can look it  
5 over during the lunch recess. As you review the  
6 transcriptions, if you would like to have any of it  
7 played by audio, let me know. It's going to take a  
8 little while. It took a different kind of program to  
9 be able to play these, but I can do it.

10 (HANDOUT NUMBER 10 IS DISTRIBUTED.)

11 JUDGE SUMNER: It's 12:30 now. We use an  
12 hour for lunch, that means you've got a working lunch  
13 where you can read this material. So we're going to  
14 adjourn until 1:30.

15 (THEREUPON, THE LUNCHEON RECESS WAS TAKEN  
16 FROM 12:30 P.M. THROUGH 1:32 P.M.)

17 JUDGE SUMNER: We are back in session.

18 MS. MONTGOMERY-BLINN: During the lunch  
19 break we had a couple of questions that I just want to  
20 make sure I answer for everyone. The first one is,  
21 what is MAPP that you might have been reading about in  
22 the phone calls and that Mr. Perry mentioned. MAPP is  
23 the parole program through the Division of Prisons.  
24 It stands for Mutual Agreement Parole Program. And  
25 Mr. Perry and Mr. Womble and a number of other people

1 who had been sentenced a long time ago under what was  
2 called Fair Sentencing were on MAPP, and then the MAPP  
3 was revoked for everybody that was on Fair Sentencing.  
4 So that was what he was discussing in phone calls and  
5 in person.

6 Also, another question we had was about  
7 Mr. Perry was talking about Womble testifying at his  
8 trial. So just to clarify, Womble testified at the  
9 probable cause hearing that all four co-Defendants had  
10 together. He did not testify at Mr. Perry's trial.  
11 And Womble's statement was hearsay against Mr. Perry  
12 and it was not used against Mr. Perry at his trial.  
13 They used the bullet analysis at Mr. Perry's trial as  
14 well as the other evidence that he mentioned, and you  
15 have all of that, a summary in your brief. So that  
16 was just a clarification from his memory and from what  
17 we know based on the transcripts in the court files.

18 And then just to let you all know, we are  
19 going to present what we have of Mr. Womble's  
20 educational record tomorrow when we talk about  
21 Mr. Womble, although if you need it earlier, we can  
22 step that part up and give that to you earlier as  
23 well.

24 So now we're going to talk about James  
25 Frazier, who you've heard referred to as BooBoo. That

1 was just his nickname. James Frazier is still living  
2 in Durham and he works construction. Mr. Frazier is  
3 under subpoena for this hearing, however, we're having  
4 a very difficult time bringing him in. Ms. Stellato  
5 interviewed him on May 29, 2013. He was cooperative.  
6 He came and met us in the evening at Duke after he had  
7 been working construction, he met us at the Veterans  
8 Hospital, and he was willing to meet with us. When we  
9 served him with the subpoena for this hearing he called  
10 and was very distressed because his work shift is from  
11 7:00 a.m. to 7:00 p.m. and he explained that the  
12 construction company he works for, if you cannot come  
13 the entire shift, they won't hire you for that day and  
14 you may be lost for that entire job, whatever that  
15 entire thing that they're building is.

16 So we called his job, we got his job and  
17 called them and they said that that was, indeed, the  
18 situation. He works for Labor Works and they contract  
19 out. And I explained the law of subpoenas to them and  
20 they said , you know, that the company that they work  
21 for says if you can't work the entire shift, then they  
22 won't take you for any of it, and maybe not even for  
23 the entire job. So I explained all of the law of  
24 subpoenas to them and discussed that with them, and  
25 they have agreed, if we absolutely need him, to let



1 him come in tomorrow and they'll make him use personal  
2 time for that. And Mr. Frazier is really hesitant,  
3 again, to come in. The Commission is not able to  
4 reimburse for lost wages.

5 So at that time, by the time we had sorted  
6 it all out, it was too late for us to seek a Material  
7 Witness Order and we, you know, he would really lose  
8 his job if we did a Material Witness Order. So what  
9 I'd like to do is I'm going to call Ms. Stellato to  
10 testify about our interview of Mr. Frazier, and then  
11 I'll ask you to consider whether you want us to, you  
12 know, really push that with his job and show up and get  
13 him at work tomorrow or whether we even need to seek a  
14 Material Witness Order. And I also have Mr. Frazier's  
15 record that we'll be sending around as well.

16 (HANDOUT NUMBER 11 IS DISTRIBUTED.)

17 MS. MONTGOMERY-BLINN: All right. I call  
18 Ms. Stellato.

19  
20 **Sharon Stellato, having first been duly**  
21 **reminded she was still under oath, testified as**  
22 **follows:**

23  
24 **FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN**

25 Q. Tell us about the interview of Mr. Frazier. When was

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it?

A. May 29, 2013.

Q. And where?

A. It was in the parking lot of the VA Hospital across from Duke Hospital.

Q. And who was present for that interview?

A. The two of us and Mr. Frazier.

Q. And was he cooperative?

A. He was cooperative, yes.

Q. Was he subpoenaed for that interview?

A. No, he was not. He came by his own accord.

Q. And when was that?

A. It was in the evening after work, after his work hours.

Q. And how did you locate Mr. Frazier?

A. We went to his home and we left a card there, a business card with the young man who answered the door, and then Mr. Frazier called us that night.

Q. And was that when you arranged to meet him after work?

A. Yes.

Q. Were you able to understand Mr. Frazier?

A. Not very well. You can understand him much better in person, but we did record this interview. He does mumble and speak very softly and he's difficult to understand.

1 Q. Did you ask him what he remembers about the case?

2 A. Yes, we did.

3 Q. And what was his answer?

4 A. He stated, quote, nothing. I mean, no more than they  
5 coming and locking me up for nothing.

6 Q. So he remembered being locked up?

7 A. He stated he remembered being locked up from  
8 December 10 until December 31 of 1975 and that he  
9 would never forget it.

10 Q. What did he say he knew about the crime?

11 A. He stated that prior to his arrest he knew nothing  
12 about the crime, and that even ongoing he knew nothing  
13 about the crime. He said, quote, that's what was so  
14 puzzling. He said the detectives had told him Willie  
15 Womble fingered him.

16 Q. Did he describe the probable cause hearing?

17 A. Mr. Frazier indicated he saw Willie Womble at the  
18 probable cause hearing and asked Womble why he had  
19 involved him. Womble stated, Man, they tricked me. I  
20 can't read. And Frazier hasn't seen Womble again  
21 since that day.

22 Q. Did he know Womble before then?

23 A. Yes. They were raised in the same area.

24 Q. Does he know why Womble named him?

25 A. He stated he doesn't know why Womble named him, but he

1 thought that maybe Womble had a grudge against him.

2 He stated that when they were young Womble had stole  
3 his bike, and that every time they saw each other  
4 after that Frazier would jump on Womble.

5 Q. All right. Now, what else did he say?

6 A. He stated he would never forget going to the probable  
7 cause hearing that was on December 31 and watching it.  
8 He stated that they had no evidence or nothing.

9 Q. Does the day that he stated, December 31, does that  
10 match with the probable cause hearing in the court  
11 record?

12 A. That is the day of the probable cause hearing, yes.

13 Q. And was that the day that, according to the court  
14 file, his case was dismissed?

15 A. Yes.

16 Q. What about Mr. Frazier's vehicle, did you ask him  
17 about whether his vehicle was used?

18 A. Mr. Frazier said that during the hearing, the probable  
19 cause hearing, they had said his car was used. He  
20 stated he drove a 1965 Buick Galaxy 500 that had been  
21 in the service station for two weeks, and it was still  
22 in the service station when he got arrested, that he  
23 didn't get it out until he was released from jail  
24 after the probable cause hearing in January.

25 Q. And did he remember Womble's testimony specifically,

1 what Womble said?

2 A. Quote, he said something -- quote, he said, yeah, he  
3 said something like he wanted another lawyer, they  
4 tricked him, he couldn't read, something like that.

5 Q. So that quote is what Mr. Frazier said Womble said?

6 A. Correct.

7 Q. So does he know what happened to the other  
8 co-Defendants?

9 A. No. He said that immediately when his case was  
10 dismissed his lawyer got taken out of the courtroom  
11 and he never looked back.

12 Q. How did he know or did he know Joseph Perry and Albert  
13 Willis?

14 A. They all grew up in the same area.

15 Q. Does he know to this day who committed the crime in  
16 Butner?

17 A. He does not know.

18 Q. He said he doesn't know?

19 A. He said that he does not know who committed the crime.

20 Q. Can you read that part of the transcript for us? I  
21 believe it's on page 8.

22 A. He stated no, I mean, like I said, I don't have no  
23 knowledge of it until they locked me up. I don't know  
24 who did what. And when they was taking, and when they  
25 was taking it down, they was asking me who did I think

1 did what, whether it was Joe or Albert Lee, and I  
2 said, I don't know, you know, I don't know who did it.

3 I asked, do you know to this day who did it?  
4 No, I have no idea.

5 I asked, do you know who ultimately went to  
6 prison for it? And he said, the only thing I know is  
7 Joe and Willie Womble.

8 Q. Can you keep reading, please?

9 A. Uh-huh (yes). Mr. Frazier stated, and I heard, people  
10 was telling me Willie Womble got life for a crime he  
11 didn't know nothing about. I mean, so I don't  
12 understand it. He had to know something.

13 We asked who was telling him that, and he  
14 stated, that was the talk that's on the street because  
15 we was hanging out at Cornwallis Projects at the time.

16 We asked, but they're not saying that about  
17 Joe Perry? Mr. Frazier said, no. Matter of fact,  
18 that's the only person they ain't saying anything  
19 about.

20 Q. Okay. All right. What else did Mr. Frazier say?

21 A. He stated it was an experience he would never forget.

22 Q. And did he say he was willing to come to court?

23 A. Yes, he did.

24 MS. MONTGOMERY-BLINN: Okay. Commissioners,  
25 do you have questions for Ms. Stellato about this

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interview?

**EXAMINATION BY MR. VICKORY**

Q. What kind of car did you say that was?

A. It's a 1965 Buick Galaxy 500.

Q. Did he say what color it was or anything?

A. In the police report it states the car was white. But when we were speaking with him, I don't have that in the record.

MS. MONTGOMERY-BLINN: Any other questions?

(NO RESPONSE.)

MS. MONTGOMERY-BLINN: Okay. So

Commissioners, if you'll just think about whether you would like us to go and do our very best to get Mr. Frazier to come in, we will, and you can maybe let me know by the end of the day.

I'll ask Ms. Stellato to step down for just a minute.

A. (Ms. Stellato complies.)

MS. MONTGOMERY-BLINN: I'm going to turn your attention now to Albert Willis. We have confirmed that Mr. Willis is indeed deceased. His death certificate shows that he passed away on December 1, 2011. We're going to send his record around in just a minute. And we were able to

1 interview a couple of people who had been close to  
2 Albert Willis, so I'm going to call Ms. Stellato to  
3 testify about those interviews and what those people  
4 said.

5 (HANDOUT NUMBER 12 IS DISTRIBUTED.)

6

7 **Sharon Stellato, having first been duly**  
8 **reminded she was still under oath, testified as**  
9 **follows:**

10

11 **FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN**

12 Q. Okay, Ms. Stellato, who is Larry Willis?

13 A. The brother of Albert Willis.

14 Q. And did you locate him?

15 A. Yes, we did.

16 Q. And what did you do to speak to him?

17 A. We located him at his home in Durham and we left a  
18 card at his home, and then returned a second time. He  
19 called back on May 15, 2014.

20 Q. And did you ask about his brother, Albert Willis?

21 A. Yes, we did.

22 Q. And what did he say?

23 A. He stated that they were not close.

24 Q. Can you read that portion of the transcript from page  
25 3 starting with line 21?



1 A. He stated, my brother and I wasn't, you know, we took  
2 different paths and, you know, I went to school and  
3 worked and he decided to go play around in the streets  
4 with -- and do, commit crimes and do things like that,  
5 so I really don't know too much about him. And after  
6 that we didn't have contact that much. And so he died  
7 and left me with the funeral, so I can't tell you much  
8 more than that.

9 Q. Did he know Joe Perry?

10 A. Yes. Him and Joe Perry, they all grew up together.

11 Q. And did he describe the relationship between his  
12 brother Albert and Joe Perry?

13 A. He describes Perry and Willis as they ran together.

14 Q. Did you ask if Albert Willis ever told his brother  
15 about the things he did with Joe Perry?

16 A. Yes, we did. He stated that his brother never spoke  
17 to him about things he did with Joe Perry and he never  
18 spoke with him about a 1975 robbery or shooting.

19 Q. Does he remember his brother being picked up for that  
20 and held in jail?

21 A. He does not.

22 Q. Did he remember any other times his brother went to  
23 jail?

24 A. He knew that his brother went to prison for an armed  
25 robbery that he did with someone named Lonnie Adams.

1 Mr. Willis stated he thought Lonnie had been the  
2 shooter, and that's what he had heard from other  
3 people.

4 Q. So not directly from his brother, Albert?

5 A. No.

6 Q. All right. Did you ask him more about Joe Perry?

7 A. Yes, we did.

8 Q. Okay. Would you please read that portion of the  
9 transcript on page 9 beginning with, actually  
10 beginning with line 12 is your question.

11 A. I asked, do you know why Joe Perry went to prison?  
12 Answer, I thought he and Al was doing some type of  
13 crime together in a group with some other guys.

14 Okay, did Al tell you that? No, I just knew  
15 that because he went to prison with Joe and they  
16 committed a crime, and according to Al they got  
17 caught.

18 Question: Okay, so your brother told you  
19 that he committed a crime with Perry and they got  
20 caught, is that right? Answer: Well, yeah, they got  
21 caught. Him and Joe was together and they got caught.  
22 I guess it's simple enough, yeah.

23 Question: And that's what he told you,  
24 that's what Albert told you? Uh-huh (yes). Well, I'm  
25 assuming that. I guess I -- he never came out and told

1 me direct, but they, they all got caught in a group  
2 together and, you know, I just put one and two  
3 together. He never told me they went out and did any  
4 crimes together, anything. When they got caught I  
5 assumed that all of them was together. They were all  
6 together so they were all doing the same things  
7 together. No, he never actually sat down and talked  
8 to me about any crime they actually done. I'm just  
9 assuming if they got caught together, so they were  
10 together, so I assume they were, they were doing  
11 crimes together.

12 So he's never personally told you about any  
13 crime that he committed, that he did or did not  
14 commit? No.

15 Q. Did you ask later who was in that group that he was  
16 talking about?

17 A. Yes, I did, and he said that he doesn't know.

18 Q. Did you ask him if he knew James Frazier?

19 A. He did not recognize that name.

20 Q. Did you ask him if he knew Willie Womble?

21 A. He stated that the name sounded familiar, but he was  
22 not able to place him.

23 Q. All right. Were you able to interview any more of  
24 Albert Willis's family members?

25 A. There were two other sisters. One had passed away.

1 One the Commission located named Betty Cole. She lives  
2 in Kinston. On May 21, 2014 she was interviewed by  
3 Commission staff. She said that she didn't know  
4 anything about the Butner robbery and homicide.  
5 During that interview she was with her husband, and  
6 her husband stated she'd had a stroke and was unable  
7 to remember many things.

8 Q. How about other family or friends?

9 A. We located an ex-wife of Mr. Willis, her name is Joyce  
10 Williams.

11 Q. And did you interview her?

12 A. Yes, we did.

13 Q. When was that?

14 A. On May 8, 2014.

15 Q. And where?

16 A. Her home in Durham.

17 Q. And who was present for that interview?

18 A. The two of us and Ms. Williams.

19 Q. And what did Ms. Williams tell you?

20 A. They were married for 13 years, according to her, but  
21 she was unable to recall the dates of their marriage.  
22 After that interview the Commission staff located the  
23 marriage records and it showed that they were married  
24 on June 28, 1979.

25 Q. And did she say that Mr. Willis had ever talked to her

1 about the robbery and shooting in Butner?

2 A. She indicated that he had never talked to her about  
3 that. She met him after he got out of prison and,  
4 according to her, they never talked about his past.  
5 She stated that the past is the past. She knew he had  
6 done things, but she didn't know any details of them.

7 Q. Did she know who his friends were?

8 A. She stated that she knew that the Perry family and the  
9 Willis families were very close, like family.

10 Q. Did she know Willie Womble or James Frazier?

11 A. No, she did not.

12 MS. MONTGOMERY-BLINN: Before we move on to  
13 the next interview I'll just break in case there's any  
14 questions at this point for Ms. Stellato.

15 (NO RESPONSE.)

16 MS. MONTGOMERY-BLINN: No? Okay.

17 BY MS. MONTGOMERY-BLINN:

18 Q. All right. Now, you mentioned that Larry Willis, the  
19 brother, had said that Albert Willis had committed  
20 another robbery and shooting with Lonnie Adams. Were  
21 you able to interview Lonnie Adams?

22 A. Yes, we were. After we learned his name, we  
23 ascertained from records that the armed robbery he  
24 committed with Mr. Willis was in 1979 when they were  
25 both 16, and they both went to prison.

1 Q. You said 1979. Did you mean --

2 A. I'm sorry, 1971.

3 Q. And were you able to interview Mr. Adams?

4 A. Yes. We interviewed him on May 27, 2014 at Butner  
5 Federal Correction.

6 MS. MONTGOMERY-BLINN: Okay. And  
7 Commissioners, I'm going to send around his record.

8 (HANDOUT NUMBER 13 IS DISTRIBUTED.)

9 Q. All right. Who was present for that interview?

10 A. The two of us and Mr. Adams.

11 Q. And did Mr. Adams say whether or not he knew Albert  
12 Willis?

13 A. Mr. Adams stated that he knew him very well. He  
14 referred to him as Albert Lee.

15 Q. Did he know Mr. Perry or Mr. Womble?

16 A. He stated he knew both of them well, too, and that  
17 they had all grown up together in the same Cornwallis  
18 Project.

19 Q. Did he recognize the names James Frazier or BooBoo?

20 A. He did not.

21 Q. All right. And what did you ask Mr. Adams?

22 A. Well, first we explained why we were there. We  
23 explained the Commission was investigating a claim and  
24 that Perry had contacted us stating that Womble was  
25 innocent. Adams responded that it was more than

1 possible. We told him about the letter, we told him  
2 that Perry was saying Womble was not involved in the  
3 crime and that he was instead with Mr. Willis. And we  
4 also told him that Mr. Willis had passed away.

5 Q. What did Mr. Adams say?

6 A. He repeatedly said, quote, Albert Lee told me Willie  
7 Womble got himself messed up in it and didn't have  
8 nothing to do with it.

9 Q. Did he say that Albert Lee Willis ever spoke directly  
10 and said he did it himself?

11 A. He said that Willis never told him directly because he  
12 wouldn't have talked about his role directly. His  
13 answer for that was, quote, that was not how, the way  
14 we did things. But he stated that Adam -- Adam stated  
15 that Willis repeatedly told him he didn't know how  
16 Womble had gotten messed up in it.

17 Q. Did he think that Albert Lee might have told anybody  
18 else?

19 A. He said that Albert Lee Willis was a private person  
20 and he would not have told anyone if he had been  
21 involved because he would know the ramifications of  
22 telling people.

23 Q. Anything else?

24 A. Mr. Adams told us that Willis also stated that Womble  
25 had just jumped into it and that Willis did not know

1 how he became involved.

2 Q. And why did he think that Willis told him this much?

3 A. He stated that Adams, that he was very close with  
4 Mr. Willis and that he believed that's why he told him  
5 that information.

6 Q. And did he have some more questions about the case?

7 A. He repeatedly asked how Womble became involved.

8 Eventually we told him that Womble had signed a  
9 confession, and he replied, Willie is kind of  
10 illiterate, isn't he?

11 Q. Did he remember Mr. Womble going to school?

12 A. He only recalled that he had, Mr. Womble had very  
13 little education, and he didn't remember him being in  
14 school.

15 Q. Did Adams describe the relationship between Perry and  
16 Willis?

17 A. He stated that Willis was best of friends with Joe  
18 Perry and that they loved one another. He described  
19 Willis as being the right-hand man to Joe Perry.

20 Q. Did he say whether Perry and Womble had any  
21 relationship together?

22 A. Yes, he stated that Perry never ran with Willie  
23 Womble, stating Perry and Womble did not mix and they  
24 were two different kinds of people.

25 Q. What else did he say about Joe Perry?



1 A. Adams stated that Joe was a stand-up guy who was not  
2 going to tell on anybody.

3 Q. Go ahead.

4 A. He also stated that Perry had cut Willis loose. Adams  
5 went on to explain this term as meaning if you catch  
6 Joe Perry, the buck stops there. In prison your name  
7 is everything and Joe wouldn't implicate anyone.

8 Q. Did he know any other crimes that Perry had been  
9 involved in?

10 A. He knew that he had been involved in a Hardee's  
11 shooting. He stated that that was how Perry got  
12 caught, and so therefore Perry took responsibility.

13 Q. And was Willis involved in the Hardee's shooting?

14 A. No, he was not.

15 Q. All right. And did he say anything else about Joe  
16 Perry?

17 A. He said, quote, in our world Joe was an honorable  
18 person. You knew he had your back, and if he fell, he  
19 fell by himself. He also said that Perry took the lick  
20 for the crime that they committed together.

21 Q. I'm sorry, he said that Perry took the lick for the  
22 crime that he and Willis or --

23 A. Willis and Perry.

24 Q. All right. Did you ask Mr. Adams or did we ask  
25 Mr. Adams if he would describe the crime that he

1 committed with Mr. Willis?

2 A. Yes, we did.

3 Q. And did he?

4 A. Yes. He described that he committed the crime with  
5 Willis when they were 16 years old. They had never  
6 been in trouble. Adams had a pistol, and they saw a  
7 lady that was counting money. Adams told Willis he  
8 was going to get the money and to go stand on the  
9 corner, but Willis went in with Adams anyway.

10 Q. What else did he say about it?

11 A. Adams said that he knew Willis when he was a non-  
12 violent person, and then they did their crime  
13 together.

14 Q. And did he describe Willis again later?

15 A. He said Willis got out of prison before he did, Adams  
16 didn't get out until 1975, and by that time Willis was  
17 already running with Perry and they were doing  
18 stickups together.

19 Q. Did you ask if it was possible or if it could be true  
20 that Perry and Willis did the robbery together and it  
21 was only two of them?

22 A. Yes, and he replied, quote, that could be true, they  
23 did stickups together. He then went on to describe  
24 them as stickup boys.

25 Q. And what about, did you ask if Perry could have been

1 involved -- I mean if Womble could have been involved?

2 A. Adams repeated that he never knew Womble to be  
3 involved with Perry.

4 Q. What else did he say?

5 A. He said, quote, let me just say it this way, if Joe  
6 Perry said Albert Lee was involved, he was.

7 Q. Okay. Did he say anything else?

8 A. He said that anyone who knew them from that  
9 neighborhood around that time knew that it was Perry  
10 and Willis who committed the crime and that Womble  
11 wasn't involved.

12 Q. And did you ask what he thought of this information  
13 provided by Perry?

14 A. Yes, we did. He said, I would believe it 100 percent.

15 Q. And did he give another explanation as to why?

16 A. Adams explained that four people was not the way that  
17 Perry would have done a crime or a robbery, that he  
18 would have never taken four people to rob a  
19 convenience store.

20 Q. Did he further speculate about that?

21 A. Adams speculated that you would never take four people  
22 if you were robbing a convenience store, but you might  
23 take them if you were robbing a gambling house and  
24 needed to control a crowd.

25 Q. And did he say whether he thought Joe Perry would have

1 used Willie Womble?

2 A. He stated he believed that Joe Perry would have never  
3 used Willie Womble in the crime.

4 MS. MONTGOMERY-BLINN: Commissioners, do you  
5 have questions for Ms. Stellato about this interview?

6 (NO RESPONSE.)

7 MS. MONTGOMERY-BLINN: Okay.

8 BY MS. MONTGOMERY-BLINN:

9 Q. Ms. Stellato, if you just want to stay up there. I  
10 need to come up for a second. You can stay right  
11 there.

12 A. (Ms. Stellato complies.)

13 MS. MONTGOMERY-BLINN: We're going to turn  
14 our attention now to the law enforcement officers and  
15 the prosecutor. Butner Public Safety Department has  
16 no files in this case. It did search. We've spoken  
17 with the chief and he says they do not have any files.  
18 Neither does the district attorney's office, they  
19 don't have any files as well. Mr. Currin has been  
20 cooperative, he's spoken with us, and they do not have  
21 any of the files for any of the co-Defendants. The  
22 Durham Police Department also conducted some of the  
23 interviews in this case and they don't have any files.  
24 We also searched with them for other unrelated crimes  
25 that Perry and Womble had been charged with, and they

1 didn't have any records and couldn't find any reports.

2 We did obtain an SBI file and summary  
3 report, and the summary report from that file was  
4 included as a brief. And from that report and the  
5 trial transcripts we were able to ascertain the law  
6 enforcement officers that were involved in this case.  
7 I'm going to have Ms. Stellato testify about  
8 interviews of those officers.

9 BY MS. MONTGOMERY-BLINN

10 Q. Ms. Stellato, let's begin with Durham Police Detective  
11 Lorenzo Leathers. Based on the SBI file and the  
12 transcripts, what was Detective Leathers' involvement  
13 in the case?

14 A. He was the Durham Police Department investigator who  
15 obtained the confession from Mr. Womble.

16 Q. And did you want to interview Detective Leathers?

17 A. Yes, we did.

18 Q. And why, what specifically were you hoping to ask him?

19 A. Detective Leathers testified that he was the only one  
20 present during the Womble confession and that he had  
21 wrote up the statement, but it was not clear from the  
22 trial testimony if the statement was verbatim as  
23 Mr. Womble spoke, and there's no report or recording,  
24 so we wanted to ask him more about that.

25 Q. And anything else you wanted to specifically ask him

1 about?

2 A. According to an SBI summary report Detective Leathers  
3 also provided suspect names to the SBI prior to his  
4 interview with Womble, and that's on page 25 of the  
5 brief. At that time SBI Agent Momier and Officer  
6 Williams went to Durham right after the autopsy to  
7 develop suspects and that was the day after the  
8 murder, so we wanted to talk to Detective Leathers  
9 about that.

10 Q. About developing the suspects?

11 A. Yes.

12 Q. And did you also want to ask him about why at trial he  
13 said that he hadn't done that?

14 A. At trial -- this is on page 101 of the brief -- while  
15 describing the confession he stated, quote, I was up  
16 there with incidents that had taken place in Durham.  
17 I had no idea about this incident. I had read about  
18 it in the paper about Butner, but I was not up there  
19 for this case, I was up there for another incident  
20 that took place in Durham.

21 So this conflicts with the information that  
22 was in the SBI report, and we wanted to ask him about  
23 that.

24 Q. And were you able to interview Detective Leathers?

25 A. No. He passed away on February 5, 2004.

1 MR. SMITH: I'm sorry, who passed away?

2 A. Detective Leathers.

3 Q. All right. How about SBI Agent Momier, is this the  
4 agent that was brought in the day after the homicide  
5 and who wrote the SBI summary report?

6 A. Yes, it is.

7 Q. And does it indicate in the report that he lead the  
8 investigation?

9 A. It does.

10 Q. And what were you hoping to ask Agent Momier?

11 A. We wanted to ask him about the investigation in  
12 general, and then the development of suspects by the  
13 Durham Police Department. We also wanted to ask about  
14 a polygraph of Mr. Womble because the questions are  
15 not in that report. And the polygraph report is  
16 located on page 14 of your brief, but the questions  
17 that they asked Mr. Womble are not indicated.

18 Q. And was there anything else you were hoping to ask him  
19 specifically?

20 A. We wanted to ask him about Womble's recantation during  
21 the probable cause hearing because there's no  
22 transcript from that hearing, and we wanted to ask him  
23 about an interview that was done on December 14, 1975.  
24 The SBI report states that he was present along with  
25 ADA, an ADA who interviewed Mr. Womble, so we wanted to

1 ask him about that meeting.

2 Q. Okay. And were you able to locate Agent Momier?

3 A. We did locate him. He is now retired from the SBI.

4 Q. And was he cooperative and willing to speak with us?

5 A. He was.

6 Q. And what did he say?

7 A. He remembered that the suspects came out of Durham to  
8 Butner and that there were several suspects, but he  
9 could not recall any of the investigation or the  
10 interviews.

11 Q. Did he recall the probable cause hearing?

12 A. He did recall the probable cause hearing. He said he  
13 remembered that there was one suspect at the probable  
14 cause hearing that stated Momier had promised him so  
15 many years in prison if he didn't tell the truth about  
16 it. Momier said that's why he remembered it and he was  
17 surprised by that.

18 Q. Did he recall working with the Durham Police  
19 Department?

20 A. He did recall working with the Durham Police  
21 Department. He said that they developed the suspects  
22 for us through their sources of information.

23 Q. What else did he recall?

24 A. He recalled that two or three people were charged, but  
25 could not recall how many were convicted. He could



1 not recall any confession or the polygraphs.

2 Q. Did you send him his report after that to refresh his  
3 memory?

4 A. Yes, we did, and the photographs from the crime scene.

5 Q. And did he read those and talk with you more?

6 A. He read them and he replied by email. He stated,  
7 quote, I read the report that you emailed me and was  
8 surprised how very little I remembered other than that  
9 which we discussed last week. So he was not able to  
10 remember any additional information.

11 Q. How about Officer Williams, who was the first responder  
12 to the scene and worked with Butner Public Safety  
13 Office?

14 A. Yes, we spoke to him by telephone on May 26, 2014.

15 Q. And what did he remember?

16 A. He did remember the case very well, but not any of the  
17 details. He recalled working on the case from  
18 November 17 to January 16 with SBI Agent Joe Momier.  
19 He only recalled two people being charged. He did  
20 know their names to be Joseph Perry and Willie Womble.  
21 And we asked him if he had ever spoken with any of the  
22 suspects. He stated that he had while he was  
23 transporting them from jail to court, but he was not  
24 present, didn't recall any interrogations and could  
25 not remember whether any of the men confessed.

1 Q. Did he remember anything else?

2 A. Yes. He remembered that there were two other  
3 shootings in Durham, that one was of a cashier, and  
4 one was at a Hardee's. And he recalled that both  
5 Womble and Perry were involved in those, and that that  
6 is how they were arrested.

7 Q. And do the files indicate that Womble was actually  
8 involved in those?

9 A. No, Womble was not involved in those.

10 Q. All right. And did he remember anything else?

11 A. He remembered, he was a first responder so he  
12 remembered talking to the victim at the crime scene.  
13 He stated that he, when he came up, they were putting  
14 Mr. Bullock into the ambulance, and that Mr. Bullock  
15 told him, quote, it was some black males who shot him.  
16 He didn't have any idea who they were.

17 Q. How about Officer Gupton, who was also a Butner Public  
18 Safety Officer?

19 A. We located him and spoke with him on May 12, 2014.

20 Q. And what did he say?

21 A. Mr. Gupton stated that he was not at the confession  
22 and that everything he knew about the confession was  
23 hearsay from Lorenzo Leathers.

24 Q. Did he recall how they developed the suspects?

25 A. Yes. He recalled that Durham Police Department had

1 developed them, but he could not specifically recall  
2 that happening, he just believed it happened.

3 Q. And could he recall anything else about the trials or  
4 probable cause hearing?

5 A. He recalled Womble testifying on the stand, that  
6 Womble had confessed because Detective Leathers was  
7 blowing hot breath on him. Mr. Gupton stated he  
8 didn't know whether this was true or not, but that's  
9 what he remembered from the hearing.

10 MS. MONTGOMERY-BLINN: Before we move on to  
11 the interview of the district attorney, are there any  
12 questions at this point?

13 (NO RESPONSE.)

14 BY MS. MONTGOMERY-BLINN:

15 Q. Okay. The district attorney, David Waters, was an ADA  
16 at the time, and later the elected district attorney.  
17 Were you able to locate him?

18 A. Yes, we were. He's in private practice now.

19 Q. And were you able to speak with him?

20 A. We spoke with him on May 20, 2014.

21 Q. All right. And what did he say?

22 A. He told us that he remembered a little bit about the  
23 two trials. He remembered that the case was a robbery  
24 of a convenience store and that a man was killed. And  
25 he recalled Womble's trial -- what he recalled from

1 Womble's trial was that Womble had presented an alibi  
2 witness, but that he, ADA Waters, had brought in a  
3 reporter from WVD who testified that they do not  
4 present a story until the night after the homicide.

5 Q. Can you read the transcript where he discusses that?  
6 I believe it's on page 4, starting at line 17.

7 A. He says, but basically speaking, the alibi at the time  
8 of trial was, it wasn't me. I was at home watching  
9 about the event on TV that night. And as it turned  
10 out, WTVD did not present anything about that robbery  
11 until the following evening of the homicide.

12 Q. Okay. And was that, when you compare that to the  
13 transcript, is his memory completely accurate?

14 A. No. The transcript showed that WTVD testified that  
15 they did present news coverage of the crime on both  
16 nights. The video was on the second night, and on the  
17 first night it was just a feed story.

18 Q. Okay. And did he remember anything from Joseph  
19 Perry's trial?

20 A. He stated that he remembered being able to admit  
21 evidence of some of the crimes that Perry was involved  
22 in in Durham. He describes Perry as, quote, I know  
23 that back in the day, in that day he was considered  
24 quite a desperado.

25 Q. Did he remember the other co-Defendants, James

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Frazier?

A. He did not remember that there were other co-Defendants, no.

Q. Did he remember the probable cause hearing or the dismissal?

A. No.

Q. Did he remember the meeting that is described in the SBI summary report on page 54 of the brief with Willie Womble prior to the probable cause hearing?

A. He had no recollection of that meeting. He stated, I can't -- we read him that, the notes from that meeting and he stated, quote, I can't recall ever using the word absolute immunity. He also stated that he was not an immunity granting sort of prosecutor, and ordinarily, he would not have done any kind of meeting like that without a person's lawyer being present.

Q. And did you ask him if he had any suggestions or ideas about where files could be stored or if they'd been destroyed?

A. Yes, we did. He left office in 2001 and he believes that all of his murder files had been destroyed after he left the office, but he was not able to confirm that.

Q. And did we talk with the current district attorney about files as well?

1 A. Yes, we did.

2 Q. And what did he say?

3 A. The current DA, Mr. Currin, stated with absolute  
4 confidence that they do not have a file. Whether  
5 there had ever been much of a file, whether it had  
6 been lost or destroyed, he was unable to say, but he  
7 was certain that they don't have a file now.

8 Q. Did we also speak with the then-administrative  
9 assistant?

10 A. Yes, we did.

11 Q. And was she able to locate or recall the file as well?

12 A. No.

13 MS. MONTGOMERY-BLINN: Okay. Commissioner  
14 questions?

15 JUDGE SUMNER: Mr. Smith.

16

17 **FURTHER EXAMINATION BY MR. SMITH**

18 Q. I didn't, I didn't follow what Mr. Waters said about  
19 alibi. Would you please go back and go through that  
20 one more time?

21 A. What he recalled -- we asked him what he could recall  
22 from trial regarding the alibi that Willie Womble  
23 presented. He stated that he recalled -- and I'm just  
24 going to go back to where I read it from -- that  
25 Womble was saying it wasn't him, that Womble was home

1 on the night of the event watching TV. And then to us  
2 he said, as it turns out, the TV station didn't  
3 present anything that night.

4 That conflicts with what the transcript  
5 says, which is the TV station did report on the crime  
6 both nights. The first night was an anchor speaking,  
7 and the second night was live video.

8 Q. Thank you.

9 MS. MONTGOMERY-BLINN: Are there any other  
10 questions for Ms. Stellato?

11 (NO RESPONSE.)

12 MS. MONTGOMERY-BLINN: Okay. Commissioners,  
13 we are moving very quickly through the material. So  
14 this is actually what we had planned for the first  
15 day. Tomorrow I'm going to be bringing, we're  
16 bringing in Ms. Shirlyn Walters, who is the surviving  
17 alibi witness, to ask her, to give her a chance to  
18 clarify or give you a chance to ask her some questions  
19 about her testimony. And Ms. Stellato will be  
20 testifying a little bit about an interview we had with  
21 her, but I was going to save that until right before  
22 she testified in case that brought up any questions  
23 for you. And then we'll be testifying about Willie  
24 Womble and bringing him in.

25 If you would like, we could move to the

1 testimony that I'll be asking Ms. Stellato about  
2 Willie Womble or we can break for the evening.

3 JUDGE SUMNER: What's your pleasure?

4 MS. MONTGOMERY-BLINN: We can take a break  
5 while you discuss whether you want me to bring in  
6 James Frazier, and then you can answer that question.

7 JUDGE SUMNER: Let's do that. We can sort  
8 of chat informally.

9 MS. MONTGOMERY-BLINN: Just let me know  
10 about James Frazier, and we can do the Willie Womble  
11 testimony now and move ahead.

12 **(THEREUPON, A SHORT RECESS WAS TAKEN FROM**  
13 **2:11 P.M. THROUGH 2:30 P.M.)**

14 JUDGE SUMNER: We're going to resume at this  
15 point. It is the consensus informally of this  
16 Commission that we proceed on as far as we can today  
17 and that we not subpoena Mr. BooBoo Frazier for this  
18 hearing.

19 MS. MONTGOMERY-BLINN: All right. Well,  
20 we're going to move to talking about Willie Womble.  
21 He's going to be -- he's writted in tomorrow to  
22 testify, but we've also interviewed his family. We've  
23 interviewed him twice, his family, his attorney, we've  
24 obtained records from the Parole Board, and DPS, and  
25 school records. So I'm going to call Ms. Stellato to



1 testify about those things, and if you'll just make  
2 any notes that you can bring back tomorrow for any  
3 questions you have specifically when Mr. Womble is in.  
4 And I am going to send around Mr. Womble's record.

5 (HANDOUT NUMBER 14 IS DISTRIBUTED.)

6

7 **Sharon Stellato, having first been duly**  
8 **reminded she was still under oath, testified as**  
9 **follows:**

10

11 **FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN**

12 Q. Okay, Ms. Stellato, when did you meet with Mr. Womble?

13 A. We interviewed him on April 17, 2013 at Dan River Work  
14 Farm.

15 Q. And who was present for that interview?

16 A. The two of us and Mr. Womble.

17 Q. And was that interview recorded and transcribed?

18 A. Yes, it was.

19 Q. Is Mr. Womble easy to understand?

20 A. No, he's very difficult to understand. Some of the  
21 transcript is inaudible, and Mr. Womble can break up  
22 from stuttering.

23 Q. What did we tell Mr. Womble when we first sat down  
24 with him?

25 A. We only told him that we were from a State agency and

1 that we had received a letter about his case. We  
2 didn't tell him what the letter said or who the letter  
3 was from, and he did not ask.

4 Q. What did you ask Mr. Womble?

5 A. We asked him what he was in prison for.

6 Q. And how did he respond?

7 A. He stated a murder that he didn't commit. He stated  
8 that to this day he doesn't have a full understanding.  
9 He said the only thing I know is that they picked me  
10 up in December of 1975. He believed that he was being  
11 picked up for an unpaid fine. He stated the next  
12 thing he knew he was downtown being interrogated about  
13 participating in a robbery and a killing that happened  
14 in Butner.

15 Q. Did he say anything about Butner?

16 A. Mr. Womble stated he had never been to that town  
17 before.

18 Q. What else did he say?

19 A. He stated, the only thing I know is I've been locked  
20 up all this time for something I didn't do.

21 Q. Did you ask him if prior to being locked up or prior  
22 to being picked up he'd heard anything about the  
23 murder?

24 A. Yes, we did.

25 Q. And what did he say?

1 A. He had not.

2 Q. And did he describe his interviews with the  
3 detectives?

4 A. Mr. Womble stated that a Detective Leathers and SBI  
5 Agent Momier were the ones to interrogate him while he  
6 was in the Durham County Jail.

7 Q. What did he say about that?

8 A. He stated that Detective Leathers was a black  
9 detective, and the reason he picked Womble up was that  
10 Leathers knew that Womble used to hang out with Joe  
11 Perry.

12 Q. What else did he say about the interviews?

13 A. Womble stated that they jumped on him and told him  
14 that people were saying Joe Perry was involved, and  
15 they were telling him to plead guilty.

16 Q. What else did he say?

17 A. Mr. Womble believed that someone had identified Perry  
18 because Mr. Perry was the president of the Jaycees and  
19 someone had recognized him. Mr. Womble also said that  
20 the victim's daughter was supposed to have been the  
21 one that identified Joseph Perry. Detective Leathers  
22 told Mr. Womble that Joe Perry had been identified  
23 and, quote, you had to be with him because you all be  
24 together all the time. Womble stated to us that he  
25 told Detective Leathers he didn't know anything about

1 the case, and they told him that they would put him on  
2 death row if he didn't say that Joe Perry did it.

3 Q. Did he say how many times he was interviewed?

4 A. He said he was interviewed by police seven to eight  
5 times.

6 Q. And what else did he say about the interview?

7 A. He stated during the interview they put a piece of  
8 paper in front of him, jumped on him, and said he was  
9 going to sign it or else.

10 Q. But did he admit that he had, at one point, said he  
11 was involved?

12 A. Yes. We asked him if he had confessed and he stated  
13 that he and Mr. Perry were involved in the crime.  
14 Mr. Womble stated, yes, but that when it came, when  
15 they came to him with the polygraph, that he told them  
16 that wasn't true.

17 Q. What did he say about the polygraph?

18 A. He said that he passed the polygraph.

19 Q. Did you ask Mr. Womble how he knew what to say in this  
20 confession?

21 A. Yes. We asked him how he knew the details that were  
22 provided in the confession. He said that after two  
23 SBI officers and two sheriffs jumped on him, they told  
24 him to sign this and said, this is what happened and  
25 you sign here. He stated he signed a confession that

1           they had already wrote out, and that at the time he  
2           couldn't read.

3           Q.    But did he know it was a confession?

4           A.    Yes, he did.  He knew he was confessing to being  
5           involved with Mr. Perry.

6           Q.    And what else did he say?

7           A.    He says that he has never killed anyone in his life or  
8           been with anyone who has killed someone.

9           Q.    Did you ask if he was in the car?

10          A.    Yes, we did.

11          Q.    And what did he say?

12          A.    He said, no, that he was not in the car, and that he  
13          would not take the fall for it if he had been.

14          Q.    Did you ask if he knew Joe Perry?

15          A.    Yes, we did.  He said that he did know Joe Perry, that  
16          they were friends, and that they stayed together in  
17          the same projects in Durham.

18          Q.    What did he say about a trial?

19          A.    He stated that at his trial he presented an alibi of  
20          Leroy Walter and Shirlyn Walter, and that they  
21          testified he was at, him and his girlfriend were at  
22          their apartment on the night of the crime.  When we  
23          asked him about it further he did say he didn't know  
24          exactly what date the crime had happened.

25          Q.    Did you ask how he knew he was at the Walters' house

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then?

A. Yes, we did.

Q. And what did he say?

A. He said he knew because the night it happened was Shirlyn Walters' birthday, and that to tell us the truth, it was actually the Walters who brought it to his attention that he had been at their home on the night of the crime.

Q. And who else did he thing was there?

A. His girlfriend at the time was with him, Gayle Lindsey, according to him.

Q. Did you ask why Gayle Lindsey didn't testify?

A. Yes, we did. He stated that Gayle Lindsey had moved back to Winston-Salem, where she was from, after he was arrested, and that he didn't know if she was still alive, and that she didn't testify because she went back to Winston-Salem.

Q. All right. Did he ever see Joe Perry again after the original, after the conviction?

A. Mr. Womble stated he saw Joe Perry after the trial while they were at Central Prison.

Q. And what does he think about whether Joe Perry committed the crime?

A. Mr. Womble stated that he does not know to this day if Joe Perry did commit the crime or not.

1 Q. And what did he say happened when he saw Joe Perry at  
2 Central Prison -- I'm sorry, later? Did he say he saw  
3 him later?

4 A. Mr. Womble stated that two to three years ago he ran  
5 into Joe Perry while they were at Wake Correctional  
6 together, and that Perry told him, I'm sorry, man, I'm  
7 going to try to clear your name and tell the truth.

8 Q. Did he explain any more?

9 A. No. Mr. Perry didn't provide Mr. Womble any details,  
10 and Womble still doesn't know if he did it or not. He  
11 stated, Perry done took 37 or 30 years of my life for  
12 something I didn't do. If I had done something wrong,  
13 I'm man enough to own up.

14 Q. Okay. All right. And does Mr. Womble recall the  
15 other people that were originally charged?

16 A. He recalls five being charged as opposed to four. He  
17 named them as Joe Perry, Albert Willis, Anthony  
18 Frazier, himself, and he forgot the fifth person's  
19 name.

20 Q. Is Anthony Frazier the correct name?

21 A. No, his name is James BooBoo Frazier.

22 Q. And he couldn't remember the fifth person that he was  
23 thinking could have also been locked up?

24 A. No, he could not.

25 Q. Okay. And what did he say about the probable cause,

1 or I think he called it the preliminary hearing, what  
2 did he say about that?

3 A. He recalled that at the preliminary hearing, the  
4 probable cause hearing, that the judge had turned  
5 three of the suspects loose, but that they kept him  
6 and Joe Perry.

7 Q. What did he think about that?

8 A. He said, Mr. Womble said he thinks that if Joe Perry  
9 did do it, that one of the three people that had  
10 turned, that had been turned loose were probably with  
11 him, but he didn't provide an explanation why.

12 Q. Did you ask him if his case had been appealed?

13 A. He believes, Mr. Womble believes that his case has  
14 never been appealed.

15 Q. Did you ask him why he hasn't contacted anybody about  
16 his case?

17 A. Yes, we did.

18 Q. And what did he say?

19 A. He said half of his family has passed away, and that  
20 the others had gone their own way, that he didn't want  
21 to worry them or his sister, and that when he was  
22 first locked up he didn't know how to read or write.

23 Q. Did you ask if he can read and write now?

24 A. Yes, we did. And he stated that he can read now some.

25 Q. Did you ask him about his record and prior crimes?



1 A. Yes, we did.

2 Q. And what did he say?

3 A. He admitted to prior breaking and enterings at a house  
4 and a Laundromat, and stated that he did commit those.

5 Q. Did you ask for contact information for his family?

6 A. Yes, we did.

7 Q. And what did he say?

8 A. He has no contact, little to no contact with his  
9 family. He stated that they don't visit, but he talks  
10 to his sister, her name is Henrietta, on the phone  
11 every two to three years. She lives in Maryland, and  
12 he provided contact information for her so that we  
13 could reach out to his family.

14 Q. And does he say whether his family believes his  
15 innocence?

16 A. He said that some of his family believe he's guilty  
17 and some of them don't.

18 Q. And did you explain what the Commission process was  
19 then to him?

20 A. Yes, we did.

21 Q. And what did he say?

22 A. Mr. Womble wanted to apply to the Commission and we  
23 gave him the application forms. He looked at the  
24 forms and we had to read them to him. He said that he  
25 understood them, and he applied to the Commission.

1 Q. Understood while we read them?

2 A. Yes.

3 Q. And did he say anything else about school?

4 A. We asked about his education. He said that he used to  
5 go to school and that he was in special education  
6 classes.

7 Q. Did you ask him what he's been telling people about  
8 guilt or innocence all these years?

9 A. Yes, we did. He stated that he never really talked  
10 about it, over the years he's never really talked to  
11 very many people about it.

12 Q. And did he say anything else during that interview?

13 A. He stated that this was the first time anyone had ever  
14 come to talk to him about his case, and he thanked us  
15 for that.

16 Q. And did you meet with him another time?

17 A. Yes, we did. We met with him again for a second  
18 interview on May 1, 2013 at Dan River Work Farm.

19 Q. And was this after you had interviewed, we had  
20 interviewed Joseph Perry and accepted the case for  
21 formal inquiry?

22 A. Yes.

23 Q. And at this point were forms brought to Mr. Womble?

24 A. Yes, they were.

25 Q. And what else happened at that second interview?

1 A. We asked him additional questions so that we were able  
2 to locate his family members.

3 Q. And who read the forms?

4 A. You read them to Mr. Womble.

5 Q. Did he talk about his case?

6 A. Very little. Nothing that he hadn't said in the first  
7 interview.

8 MS. MONTGOMERY-BLINN: Before we move on to  
9 the interview of family and friends, are there any  
10 questions for Ms. Stellato at this time?

11 (NO RESPONSE.)

12 BY MS. MONTGOMERY-BLINN:

13 Q. All right. So were you able to interview friends and  
14 family of Mr. Womble?

15 A. Yes, we were.

16 Q. Let's start with the girlfriend that you mentioned,  
17 Gayle Lindsey, or that he mentioned. Were you able to  
18 locate her?

19 A. During the interview Mr. Womble and Ms. Walters, they  
20 both say that his girlfriend, Womble's girlfriend,  
21 Gayle Lindsey, was with them on the night of the crime  
22 and that they were all playing cards together, so we  
23 attempted to locate her. There were two possible  
24 people that we located based on the information we  
25 were provided, but both are deceased.

1 Q. Okay. How about his aunt, Ruth Farrington, were you  
2 able to interview her?

3 A. Yes, we did.

4 Q. And how is she related to Willie Womble?

5 A. She is Mr. Womble's mother's sister.

6 Q. And when did you interview her?

7 A. May 23, 2013 at her home in Durham.

8 Q. And who was present during that interview?

9 A. The two of us; Ms. Ruth Farrington; her son, Mark  
10 Farrington; and her sister, Doris Womble.

11 Q. And is that Willie Womble's mother?

12 A. Doris Womble is Willie Womble's mother, yes.

13 Q. And were you able to interview her?

14 A. No. She has Alzheimer's and according to Ruth  
15 Farrington doesn't even know her own name. She was  
16 wandering in the house when we were there.

17 Q. And you said also Mark Farrington?

18 A. Uh-huh (yes).

19 Q. And you said that was -- how is this person related to  
20 Mr. Womble?

21 A. It is Mr. Womble's cousin.

22 Q. Okay. What did Ruth Farrington say?

23 A. She said that she believed that Womble had been in the  
24 car during the night of the murder. And we asked her  
25 why she believed that, where she had got the

1 information from. And she stated that she had gone to  
2 court, had been at the trial and that she watched the  
3 trial and that that's what she heard while she was in  
4 court.

5 Q. Did she say whether or not she'd heard that from  
6 Willie Womble himself?

7 A. We asked her if Mr. Womble had ever told her that he'd  
8 been involved or been in the vehicle, and she stated  
9 she had never talked to him about the crime and that  
10 he never told her anything, one way or another.

11 Q. Okay. And so she remembered going to the trial?

12 A. She did remember going to the trial, although she  
13 stated that Mr. Womble's defense did not present  
14 witnesses.

15 Q. Did you ask her if she remembered that there were  
16 alibis presented?

17 A. Yes, we did. She did not remember.

18 Q. Did you ask her if she would believe that he was  
19 innocent?

20 A. Yes, we did. We asked her that and she stated that  
21 she really wouldn't because at trial the attorney said  
22 he was in the car. She later said she didn't know if  
23 he was innocent or guilty.

24 Q. Did you ask if Willie Womble ever wrote letters to  
25 her?

1 A. We did ask if he ever sent letters. She said that she  
2 did not have any letters saved, but she believed that  
3 he sent her letters. And we asked if he had written  
4 those letters on his own, and she wasn't sure but she  
5 believed he did.

6 Q. And had she spoken or gotten letters from him  
7 recently?

8 A. Not in many, many years.

9 Q. And what else did she say about Willie Womble?

10 A. She stated that when Mr. Womble was a child he was  
11 burned badly, and then he was burned again later as an  
12 adult. She believes that Mr. Womble stopped going to  
13 school in elementary school and that he had a very bad  
14 family life.

15 Q. Okay. And then you said Mark Farrington was also  
16 there. What did he say?

17 A. He stated that he knows Joseph Perry, but that he's  
18 never spoken with Joseph Perry or Willie Womble about  
19 what happened. We asked him what he thought about  
20 Mr. Womble being innocent, and he also thought that  
21 Mr. Womble was in the car. When we asked how he knew  
22 that, he stated that he had heard it from his mother.

23 Q. And where did he think she had heard that from?

24 A. The mother heard it, he said that the mother heard it  
25 from the prosecutor.

1 Q. All right. How about Emma Jean Womble?

2 A. That is Mr. Womble's older sister that he was living  
3 with around the time of the murder.

4 Q. And were you able to interview her?

5 A. We interviewed her on May 23, 2013 at her home in  
6 Durham.

7 Q. And who was present for that interview?

8 A. The two of us and Emma Jean Womble.

9 Q. Okay. And what did Ms. Emma Jean Womble say?

10 A. She stated she recalled around the time of the crime  
11 that that anytime anything happened, the Durham Police  
12 came looking for Womble, her cousin, and a few other  
13 boys in the neighborhood.

14 Q. And did she remember the night of the murder?

15 A. She thought that the night of the murder, on the night  
16 of the murder she was playing cards with Womble at the  
17 neighbor's house, but she wasn't able to say for sure.

18 Q. And had she ever spoken with Willie Womble about the  
19 case?

20 A. She has spoken with him. She stated that her brother,  
21 Mr. Womble, had told her he signed a piece of paper  
22 because the police kept him up all day and all night  
23 and he was tired. She further then stated that  
24 Mr. Womble was not a reader or a writer.

25 Q. And can you read her description of that on page 6

1 beginning at line 4 of the interview transcript?

2 A. I asked, so please explain what you mean about  
3 Mr. Womble not being a reader or a writer. She  
4 answers, I mean, he couldn't -- it might be a few  
5 little things, he might could read something real  
6 simple like open or close or something like that. But  
7 if you, if you were to ask him to sit down and write a  
8 letter or something, he couldn't do that. And see, by  
9 where he got burned, children teased him and picked on  
10 him so bad, he didn't go to school, you know. We  
11 think, we would think he was going to school, but he  
12 wasn't going to school.

13 Q. And what else did she say about that?

14 A. She said that because he had been burned twice he had  
15 a speech impediment.

16 Q. All right. And had she heard anything about the case?

17 A. She additionally had heard that Womble was sleeping in  
18 the car. She was not able to say where she heard that  
19 and indicated that Womble had always told her he didn't  
20 do it.

21 Q. And had she spoken with him recently?

22 A. She had not spoken or heard from him in years, and  
23 actually didn't know which prison he was in.

24 Q. How about Barry Womble, who is that?

25 A. Willie Womble's brother.



1 Q. Is he older or younger than Willie Womble?

2 A. He's younger.

3 Q. And were you able to interview him?

4 A. We interviewed him on May 30, 2013 at his home in  
5 Chatham County.

6 Q. And who was present for that interview?

7 A. The two of us and Barry Womble.

8 Q. And what does he remember about the murder?

9 A. Barry Womble said that he was playing cards on the  
10 night of the murder with Willie Womble and Emma Jean  
11 at the neighbor's house, Shirlyn and Leroy.

12 Q. And how old was he then?

13 A. He was, stated he was around nine or eleven when it  
14 happened.

15 Q. What did he say about that night?

16 A. Barry Womble said that they had played cards until  
17 1:00 or 2:00 in the morning, and that if Willie Womble  
18 had been involved in the murder, then the murder had  
19 to have been after 2:00 a.m.

20 Q. And was he able to say why he knew it was that  
21 particular day?

22 A. Barry Womble said he was 100 percent certain that he  
23 was playing cards with Willie Womble on the night of  
24 the murder, but he could never articulate a clear  
25 reason why he knew that it was that particular day.

1 Q. And did he know what day of the week it was?

2 A. He believed it was a Saturday.

3 Q. And what day was it?

4 A. A Tuesday.

5 Q. All right. And did you ask him if Willie Womble had  
6 ever written to him or if he could read or write?

7 A. Yes. Barry Womble said that Willie Womble had never  
8 written to him and that he had not talked to him in  
9 years.

10 Q. Okay. And did he ever ask Willie Womble whether he  
11 was guilty or innocent?

12 A. Barry Womble said that he'd never spoken with Willie  
13 Womble about the crime and that, in fact, he'd always  
14 wondered if he was guilty or innocent and never asked.

15 Q. Let's turn to Janice Medlin. Who is this?

16 A. Another sister of Willie Womble.

17 Q. And were you able to speak with her?

18 A. Yes. We interviewed her on May 20, 2014 over the  
19 phone.

20 Q. And what does she remember that night or from that  
21 night?

22 A. She stated that if she remembered correctly, Willie  
23 Womble was at her home that night either playing cards  
24 with their friends or playing basketball. We asked  
25 the friends name. She stated it was Shirlyn and that

1 the husband was deceased.

2 Q. All right. And had she seen her brother recently?

3 A. She stated she had not seen him recently.

4 Q. Did she ever ask him whether he did it or not?

5 A. She stated that she'd never asked if he did it or not,  
6 but that Mr. Womble had brought it up a few times and  
7 that when he would bring it up he would get upset and  
8 flustered, that he already stutters, and it would  
9 upset him even more when he would talk about it and he  
10 would get tangled up.

11 Q. Okay.

12 A. So she would try not to speak to him about it.

13 Q. What did he say when he did get upset, did she  
14 remember? And if you could actually read that, it's  
15 on page 9 where she discusses that in the transcript  
16 beginning at line 10.

17 A. (Witness examines document.) Ms. Medlin stated, well,  
18 he just kept talking about the fact that he didn't  
19 think he got a fair trial. He thought that he was  
20 judged for other things other than the related trial  
21 and that he just didn't, he didn't have anything to do  
22 with it. And he couldn't really make anyone listen to  
23 him that he felt like really believed him or would at  
24 least research the information that he was trying to  
25 give out. He just felt like he was not treated

1 fairly.

2 Q. Did she know what this meant, what he meant by this?

3 A. We asked her that and she responded with, he was not  
4 guilty of the charges or the accusations or whatever.

5 He said that he was not there.

6 Q. Did she know if he could read or write or if he'd ever  
7 written to her?

8 A. She could not recall if he had ever written to her,  
9 but she stated he was not a good writer or a good  
10 speller, and that he could only read and write with  
11 great difficulty.

12 Q. Did he go to school?

13 A. She stated that he had not finished school and had  
14 stopped either in middle school or in high school.

15 Q. And did she say he had trouble talking?

16 A. Yes. She stated that when Mr. Womble was a child he  
17 was burned and was at a hospital for a long time, that  
18 he had to learn to walk and talk all over again, and  
19 that during that time he had missed school and time  
20 with his family. She also mentioned a later incident  
21 that happened where he was burned again as part of a  
22 prank when he was older.

23 Q. And is that all of Mr. Womble's siblings?

24 A. Yes.

25 MS. MONTGOMERY-BLINN: Commissioners, do you

1 have questions about Mr. Womble's family before we move  
2 on to his attorney?

3 (NO RESPONSE.)

4 BY MS. MONTGOMERY-BLINN:

5 Q. Was William Parks Mr. Womble's trial attorney?

6 A. Mr. Parks was his trial attorney and his appellate  
7 attorney.

8 Q. And were you able to meet with Mr. Parks?

9 A. Yes, we did.

10 Q. And tell me about how you set up that meeting.

11 A. First we spoke with him by phone a couple of times and  
12 he sent a fax with some information. Based on that we  
13 felt like we needed an in-person interview so we  
14 interviewed him in person on June 18, 2013 at his law  
15 practice in Durham.

16 Q. And did he provide an affidavit as well?

17 A. Yes, he did. On July 1, 2013 after we had given him  
18 his recorded interview he provided an affidavit.

19 Q. So you recorded the interview and then gave him a  
20 transcript of that for the affidavit?

21 A. Yes, we did.

22 Q. And before we get into the affidavit, what did he say  
23 during the interview?

24 A. Mr. Parks stated that it was his first murder case and  
25 that he had just opened his office in 1975 and would

1 never forget the name Willie Womble.

2 Q. And were his recollections consistent with the court  
3 records?

4 A. No. From the time that we interviewed Mr. Parks, our  
5 conversations on the phone as well as in his office,  
6 his recollection was inconsistent and conflicted with  
7 the court records.

8 Q. What did he say?

9 A. He said that he remembered working very closely with  
10 an attorney who represented the co-Defendant and that  
11 they worked together. He quote, said, we were right  
12 together all the time. We sat right next to each  
13 other every day and tried it together. So he was  
14 remembering two people being charged and tried  
15 together.

16 Q. And was he certain they were tried together?

17 A. Yes, he was.

18 Q. And did you show him, tell him that the transcripts  
19 show that they were tried separately?

20 A. Yes, we did.

21 Q. And was he still certain they were tried together?

22 A. Yes, he was.

23 Q. Will you read from that interview on page 14 starting  
24 at line 1 through 23?

25 A. He states, we sat right next to each other because I'll

1 tell you why I say that, I just opened my office and I  
2 was, you know, not the most experienced person in the  
3 world and, of course, even though I was 39 or so at  
4 the time. I went to law school later. I cannot  
5 believe that the transcripts say they were not tried  
6 together.

7 I then ask him if hypothetically he could be  
8 recalling the probable cause hearing. He says, it  
9 could have been. And then he says, I didn't even know  
10 what probable cause was.

11 Q. All right. And did you ask him what his client had  
12 told him?

13 A. Yes. During the first part of our interview with  
14 Mr. Parks he stated that Womble had told him that he  
15 was in the car during the shooting and had never left  
16 the car.

17 Q. Okay. And then what else did he say about that?

18 A. He also recalled that Mr. Womble and his co-Defendant  
19 were together on the night of the crime and that they  
20 were home watching a TV program together. He stated  
21 that the DA then brought in television cameras and  
22 that the program was on the wrong day, so their  
23 defense just fell down.

24 Q. So did he clarify whether he thought Womble was in the  
25 car or watching a TV program and not there?

1 A. We asked him that those two were different. He stated  
2 that he was trying to piece it together and he really  
3 didn't know if it correlated or not, he couldn't  
4 recall.

5 Q. Did he recall whether his client testified?

6 A. He could not recall.

7 Q. And then did you tell him about the defense he  
8 presented according to the transcript?

9 A. Yes. I told him that the transcript showed that he  
10 had presented an alibi defense, and he said -- and  
11 that that was different than what he was telling us,  
12 and he said it might have been the prosecution that  
13 prevented -- that presented Womble was in the car.

14 Q. Okay. So could he specifically remember Womble  
15 telling him that specifically that Womble said he was  
16 in the car?

17 A. No. At that time he was unable and said he could not  
18 recall that.

19 Q. And how did he describe his client?

20 A. He described Mr. Womble as slow or retarded and said  
21 he couldn't communicate very well, and that he,  
22 Mr. Parks, had argued that to the Supreme Court.

23 Q. Did he remember the appeal?

24 A. He remembered the appeal because his mother came to it  
25 and it was the first time that he'd ever been to the



1 Supreme Court, and that he had argued overturn the  
2 Felony Murder Rule.

3 Q. And you said you then sent him a transcript of the  
4 interview and a phone call as well, is that right?

5 A. Yes, we did.

6 Q. And did you draft an affidavit and send it to him to  
7 edit?

8 A. Yes.

9 Q. And was that based on what he said in the interviews?

10 A. Yes, it was.

11 Q. And did he edit it with the -- and also have the  
12 benefit of the transcripts?

13 A. Yes. And he did read them and edit it and return the  
14 affidavit to us.

15 Q. Is that the affidavit that Mr. Parks sent you?

16 A. Yes, it is.

17 MS. MONTGOMERY-BLINN: I'll pass that around.

18 (HANDOUT NUMBER 15 IS DISTRIBUTED.)

19 Q. Ms. Stellato, was there another attorney that signed  
20 the appeal as well?

21 A. Yes. Attorney Felix Clayton signed the appeal along  
22 with Mr. Parks.

23 Q. And were you able to contact him?

24 A. We contacted him on July 1, 2013. He practices in  
25 South Carolina. He stated that he has no records of a

1 client by the name of Willie Womble in his system, and  
2 that it appears he only signed the appeal but was not  
3 actively involved.

4 MS. MONTGOMERY-BLINN: Commissioners, do you  
5 have any questions about the attorneys?

6 (NO RESPONSE.)

7 Q. All right. Let's talk about Mr. Womble's school  
8 records. Were you able to obtain any of his school  
9 records?

10 A. We subpoenaed Durham Public Schools on May 10, 2013.  
11 They had very limited school records because it is so  
12 old. They were able to provide nine pages.

13 Q. And do those records reveal exactly when Mr. Womble  
14 stopped going to school?

15 A. They do not.

16 Q. And tell us, what do the records say?

17 A. There's a note from 1962 that says, quote, Willie was  
18 dropped from school due to a severe burn which  
19 hospitalized him for sometime. And then it appears  
20 that he went back to school because there's another  
21 note in 1964 that says, quote, promotion is based on  
22 not more than four years in the primary grades, the  
23 policy of the city schools. And on that he had grades  
24 that were mostly Fs and Ds.

25 Q. Did the report say whether he was in special education

1 classes?

2 A. All of the reports state that he was in special  
3 education.

4 Q. And are there any high school records?

5 A. There is a report that shows he was enrolled in high  
6 school. A note on there says Willie was not in school  
7 enough to make either social or academic progress.  
8 Based on the date of 1967 and 1968 he would have been  
9 about 15 years old at that time.

10 Q. And are there any later reports?

11 A. There's also a report from 1971 from Hillside High  
12 School that shows he was enrolled for 34 days and  
13 absent for 12 days and in special education classes.

14 Q. And is that all the reports reveal?

15 A. Yes.

16 MS. MONTGOMERY-BLINN: Commissioner  
17 questions?

18 MS. SURGEON: I have a question.

19 MR. SMITH: Ladies first.

20 JUDGE SUMNER: Ms. Surgeon.

21

22 **FURTHER EXAMINATION BY MS. SURGEON**

23 Q. Is there any way to tell from the reports about how  
24 long he was out of school as a result of the burn?

25 A. Unfortunately, no. We can provide -- as I said, there

1 are nine pages and we already made the copies of them,  
2 so we can certainly provide them for you, but they  
3 don't give that much information.

4 Q. Were you all able to determine that information in any  
5 way?

6 A. It's just, it's 38 years and the school records just  
7 don't exist anymore. Actually, at the time it appears  
8 that they didn't keep records that way to begin with.

9 MS. MONTGOMERY-BLINN: Would you like me to  
10 pass them around? Yes? Okay.

11 (HANDOUT NUMBER 16 IS DISTRIBUTED.)

12 Q. So you don't have any idea how old he was when he was  
13 burned, how he was burned? I mean, it sounds like it  
14 was pretty, pretty bad.

15 A. If he was, if he was -- in 1962 the records state that  
16 he was dropped from school because of the first burn.  
17 He was born in 1954.

18 MS. MONTGOMERY-BLINN: He was born in 1953.

19 A. Excuse me, 1953. So he would have been approximately  
20 nine years old.

21

22 **FURTHER EXAMINATION BY MR. SMITH**

23 Q. Do we know how he was burned the first time?

24 A. There are so many -- there's a lot of conflicting  
25 reports that we get from people. I know one of the

1 family members said it had something to do with hot  
2 water, boiling water, and that he was out for a long  
3 time, but none of his family members seem to really  
4 recall exactly. And then the second incident we're a  
5 little clearer on, and that is that friends or  
6 associates set him on fire by pouring lighter fluid on  
7 him. But that's the only information we've ever been  
8 able to obtain.

9  
10 **FURTHER EXAMINATION BY SHERIFF VAN DUNCAN**

11 Q. Ms. Stellato, was that the first time you had heard  
12 that story from Mr. Perry, I believe, today about him  
13 being set on fire, Mr. Womble?

14 A. No.

15 Q. You'd heard that?

16 A. No, I'd heard -- I had not -- I don't believe, and I  
17 can double-check, I don't believe that we had heard  
18 that directly from Mr. Perry, but we have heard from  
19 at least two to three people the story about matches  
20 on his feet and lighter fluid and being set on fire.

21 Q. So that confirmed it again today for the first time  
22 that you have heard --

23 A. Correct. And I can double-check that.

24 MS. MONTGOMERY-BLINN: Are there any other  
25 questions for Ms. Stellato?

1 (NO RESPONSE.)

2 MS. MONTGOMERY-BLINN: I'll ask that she step  
3 down.

4 (MS. STELLATO STEPS DOWN FROM THE WITNESS  
5 STAND.)

6 MS. MONTGOMERY-BLINN: We're going to send  
7 around a few more records for you, and if you'd like,  
8 I'll explain them and we can pass them around and you  
9 can read them tonight, or you're welcome to stay here  
10 and read them. I think we've got some afternoon snack  
11 coming into the back room as well. It might not be as  
12 healthy as the morning snack.

13 All right. So just like we did for Joseph  
14 Perry, we were able to work with the Parole Board to  
15 obtain copies of all of the letters that Womble and  
16 his family and friends would have sent to the Parole  
17 Board over the years on his behalf, but the Parole  
18 Board had not received any letters from Womble or  
19 anybody on his behalf and so they had no documents to  
20 provide to the Commission.

21 Also, just like with Joseph Perry, we  
22 obtained a court order to monitor all of Mr. Womble's  
23 incoming and outgoing phone calls and mail and visitor  
24 log from the Division of Prisons. And during the time  
25 that the Commission was investigating this case

1 Mr. Womble did not send or receive any letters, he did  
2 not send or receive any phone calls, and he did not  
3 have any visitors.

4 We obtained a court order as well for access  
5 to the prison records for all four of the co-  
6 Defendants, as I told you. These include work  
7 release, alcohol and substance abuse treatment,  
8 educational records, medical and mental health  
9 records, and all other combined community corrections  
10 records. We'd already provided these earlier for  
11 Joseph Perry. The file for Mr. Womble is 988 pages.  
12 Commission staff reviewed the file for anything that  
13 was relevant to our investigation and condensed that  
14 into a handout with the relevant portions as the  
15 excerpts. So we're going to send that around right  
16 now, and that's the handout for Mr. Willie Womble for  
17 DPS records.

18 (HANDOUT NUMBER 17 IS DISTRIBUTED.)

19 MS. MONTGOMERY-BLINN: And that is the  
20 presentation I have for you today. So I'll just sit  
21 down and let you all read or decide if you want to  
22 read tonight.

23 (COMMISSIONERS EXAMINE HANDOUT NUMBER 17.)

24 SHERIFF VAN DUNCAN: Did we see a report  
25 like this for Mr. Perry that had a functional IQ score

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for him?

MS. MONTGOMERY-BLINN: Yes; yes. It was in  
the 80s.

SHERIFF VAN DUNCAN: 83?

MS. MONTGOMERY-BLINN: I think so.

JUDGE SUMNER: All right, Commissioners, we  
are going to recess until tomorrow morning at  
9:00 a.m.

(THEREUPON, THE PROCEEDINGS WERE ADJOURNED AT  
3:19 P.M.)





NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

COUNTY OF GRANVILLE

FILE NO. 75 CRS 06128

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STATE OF NORTH CAROLINA )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLIE HENDERSON WOMBLE, )  
 )  
 Defendant. )

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NORTH CAROLINA INNOCENCE INQUIRY COMMISSION HEARING

DAY TWO

At Raleigh, North Carolina

June 3, 2014

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H A N D O U T S

No. 18 Criminal Record of Shirlyn Upchurch Walters 4

1 JUDGE SUMNER: Good morning again. We're  
2 going to resume the hearing of the matter of the Granville  
3 County case of State versus Willie Henderson Womble, File  
4 Number 75-CRS-06128. I'll turn the matter back over to  
5 Ms. Montgomery-Blinn at this point.

6 MS. MONTGOMERY-BLINN: Thank you, Your  
7 Honor. Good morning, Commissioners, welcome back. Are  
8 there any questions from yesterday? Anything that I need  
9 to go over or re-hand out?

10 (NO RESPONSE.)

11 MS. MONTGOMERY-BLINN: Okay. All right.  
12 Well, we're going to talk about Shirlyn Walters.  
13 Ms. Walters and her husband testified at the trial in 1976  
14 and the entire transcript of their testimony has been  
15 included in your briefs. Mr. Walters is now deceased, but  
16 Ms. Walters is still alive and lives in Durham and she was  
17 interviewed by Commission staff. She is here today to  
18 testify. We're going to send her criminal record around as  
19 well.

20 (HANDOUT NUMBER 18 IS DISTRIBUTED.)

21 MS. MONTGOMERY-BLINN: During the trial  
22 Leroy Walters testified that when the news program came on  
23 they were watching Family Affair, \$10,000 Pyramid, and Good  
24 Times, and Shirlyn Walters testified that they were  
25 watching Good Times. The Commission staff was able to

1 confirm through Internet archives that Good Times did air  
2 on Tuesdays at 8 o'clock on CBS. The murder was on a  
3 Tuesday. \$10,000 Pyramid aired every weeknight, and A  
4 Family Affair was in reruns and the local air times could  
5 not be determined. So this is also in the brief with the  
6 citations on page 140.

7 Please be aware that Ms. Walters' testimony  
8 was presented to the jury and cannot be considered as new  
9 information by the Commission. We have brought her in to  
10 testify because reading the testimony of Ms. Walters in the  
11 transcript appeared confusing to us and we wanted to give  
12 you the opportunity to ask her any specific questions that  
13 you may have. I'm going to call Ms. Stellato to testify  
14 first about her interview, and then Ms. Walters.

15  
16 **Sharon Stellato, having first been duly**  
17 **reminded she was still under oath, testified as**  
18 **follows:**

19  
20 **FURTHER EXAMINATION BY MS MONTGOMERY-BLINN**

21 Q. Okay. Ms. Stellato, you're still under oath from  
22 yesterday.

23 When did you interview Ms. Walters?

24 A. On May 23, 2013 at her home in Durham.

25 Q. And who was present for the interview?

1 A. The two of us, Ms. Walters, and during the interview  
2 her daughters and granddaughter were coming in and out  
3 of the home.

4 Q. Okay. And what did you say to Ms. Walters?

5 A. We explained the Commission and asked her if she  
6 remembered testifying in 1975 at Willie Womble's  
7 trial. She responded, oh my god, that was a long time  
8 ago, and immediately was cooperative, allowed us in to  
9 interview her.

10 Q. Has she had any contact with Mr. Womble over the years  
11 since his conviction?

12 A. No, she's had no contact with him. She was surprised  
13 to learn that he was still in prison for the crime.  
14 She did indicate she saw one of his family members a  
15 few years ago, but hasn't had contact with the family,  
16 either.

17 Q. Did you provide Ms. Walters with a copy of the  
18 transcript of her testimony?

19 A. We did, but before we did that, we asked her what she  
20 could recall independently.

21 Q. And what did she remember before reviewing the  
22 transcript?

23 A. She remembered that the night was on her birthday  
24 weekend. She stated --

25 Q. Have you been able to confirm when is her birthday?

1 A. Her birthday is November 19.

2 Q. And when was the murder?

3 A. November 18.

4 Q. And what day of the week was it?

5 A. A Tuesday.

6 Q. Okay. Go ahead.

7 A. So she stated that it was her birthday weekend. She  
8 later stated that Mr. Womble had been at her house two  
9 nights in a row, meaning on her birthday and the night  
10 before.

11 Q. Okay. Please continue.

12 A. I asked if there was any way that either she or her  
13 husband were incorrect about him being at their home  
14 on the night of the murder, and she stated, I know  
15 that he was with us, and that night plays over and  
16 over again in her mind.

17 Q. What else did she say?

18 A. She stated she was positive that Mr. Womble did not  
19 commit the murder. She named other people who were  
20 there that night, some that had come in and out of the  
21 house, and others she only knew by first names, but  
22 they were deceased or we were unable to locate them.

23 Q. Okay. If you'll look at the transcript -- was that  
24 interview recorded and transcribed?

25 A. Yes.



1 Q. If you'll look at the transcript of it, please, on  
2 page 5, line 19, if you'll read that portion right  
3 there.

4 A. She states, well, his sister used to stay downstairs  
5 from me. We lived in Delmore Court, what was that,  
6 3412. I think the address then was 3420. And what I  
7 can remember mostly was when I testified I let them  
8 know he was not there. We were -- it was my birthday  
9 and we were all -- it was my birthday weekend, I'll  
10 put it like that, and we were all sitting around and  
11 playing cards, listening to music, and my husband had  
12 the TV on. And it just so happened we looked over at  
13 the TV and saw where there was a shooting. What was  
14 that, Oxford or Butner? And on the front of the thing  
15 I remember it had a Maola Ice Cream sandwiches, four  
16 for a dollar. And then on the other side, on the  
17 other side it had Maola Milk. And he was, he was my  
18 husband's partner because we were playing spades. And  
19 we had invited, you know, some of our friends and  
20 neighbors up to my house, you know, to celebrate my  
21 birthday. And all of us stopped, you know, to see  
22 what was going on on the news.

23 Q. Can you please finish the rest of that?

24 A. And when I knew anything, it was like the next day or  
25 so, but before then, because we were talking about a

1 shooting at a 7-Eleven.

2 Q. Did she say what time he was at her house that night?

3 A. She stated that he had come there at 6:00 p.m. or  
4 earlier, and was there until 2:00 in the morning.

5 Q. Okay. And just to clarify, during the trial, the  
6 trial transcript, which is in the commissioners'  
7 brief, which days did news footage air according to  
8 the WTVD reporter that testified?

9 A. It aired on Tuesday, November 18 and Wednesday,  
10 November 19.

11 Q. And which days had actual live, or footage of the  
12 store?

13 A. Wednesday, November 19.

14 Q. Okay. Thank you. All right, please continue. What  
15 else did Ms. Walters state?

16 A. She stated that they had known Mr. Womble for about a  
17 year and that it was common for him to come over to  
18 their house.

19 Q. What did she say about Mr. Womble?

20 A. She said that she was trying to teach Mr. Womble to  
21 learn to read.

22 Q. Had you asked her if he could read?

23 A. No.

24 Q. All right. What did she say about that, teaching him  
25 to read?

1 A. She stated that one time she saw Mr. Womble and he was  
2 trying to read the newspaper and it was upside down.  
3 So after that he came to her house three to four times  
4 a week and she would teach him to read with some  
5 little children's books that belonged to her niece.  
6 After she started working with him she said he was  
7 able to read a few sight words, and she described him  
8 as very slow and in special education classes.

9 Q. What else about him reading did she say?

10 A. She stated that he didn't want his family or friends  
11 to know that he couldn't read.

12 Q. Okay. What did she say happened when Mr. Womble was  
13 arrested?

14 A. She was shocked that he was arrested for the murder.

15 Q. Can you read that quote or that part of her testimony  
16 or part of her interview on page 12 starting at line  
17 15?

18 A. She stated, when we, when we -- as a matter of fact,  
19 when the attorney came out to talk to us and I kept  
20 telling the attorney, look, that wasn't him, he was  
21 here.

22 Q. Does she remember testifying?

23 A. Yes, she does.

24 Q. And what did she remember about that?

25 A. She remembers -- she stated that her husband was

1 confused during testimony when they were questioning  
2 him about the two nights and that he was mixing them  
3 up.

4 Q. Will you read that part of her transcript as well?  
5 It's on page 17 beginning at line 20.

6 A. Because I was so upset that I was -- I went out and I  
7 sat outside of the courtroom because I was like,  
8 they're sending him away for something he didn't do.  
9 And I said, and then I said, I had said, how could he  
10 sign a paper when he couldn't even write?

11 Q. Did you ask her whether she'd be willing to have lied  
12 for Mr. Womble?

13 A. Yes, we did.

14 Q. And what did she say?

15 A. She stated she would not have lied for him.

16 Q. And can you read that portion of the transcript? It's  
17 on page 24, line 14.

18 A. She stated, but I wouldn't even lie for my family  
19 because I'm like this, if you're right, I'll stand  
20 with you, if you're wrong, then I have a problem with  
21 you.

22 Q. Has she testified before for other people?

23 A. No, she's never testified before.

24 Q. All right. Now, you said then you provided her with a  
25 copy of her testimony and her husband's testimony?

1 A. We first provided her, after she recalled things  
2 independently, we provided her with a copy of her  
3 husband's testimony to read.

4 Q. And what did she say?

5 A. As she was reading it she stated, my husband really  
6 got confused. And after she completed reading it she  
7 said that her husband was confused and nervous about  
8 his testimony.

9 Q. And did you give her her testimony to read?

10 A. Yes, we did.

11 Q. And then what happened?

12 A. It was larger so we left that with her, and then we  
13 called her later to discuss it.

14 Q. And what did she say when you called?

15 A. She stated that her testimony was accurate.

16 Q. Can you read from the transcript of that phone call on  
17 page 5, just beginning at line 1.

18 A. During the phone call she stated, it still stands. He  
19 was at my house, at my birthday. It was because we  
20 were doing a birthday celebration. Well, my husband  
21 was doing a birthday celebration for me. That part  
22 will never change and I'll continue to say that until  
23 I leave this world.

24 MS. MONTGOMERY-BLINN: Okay. Commissioners,  
25 do you have any questions for Ms. Stellato?

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(NO RESPONSE.)

MS. MONTGOMERY-BLINN: No? Okay. All right, I'll ask Ms. Stellato to step down.

(MS. STELLATO COMPLIES.)

MS. MONTGOMERY-BLINN: And I'll call Ms. Walters to testify.

**Shirlyn Upchurch Walters, having first been duly affirmed, testified as follows:**

**EXAMINATION BY MS. MONTGOMERY-BLINN**

Q. Good morning, Ms. Walters.

A. Good morning.

Q. Thank you for coming here today.

A. You're welcome.

Q. I know you've met with myself and Ms. Stellato last, about a year ago since we met.

A. Yes.

Q. And we called you on the phone a couple of times as well. I'm going to ask you a number of questions, many of them are going to be things that I've already asked you. And if I ask you something and you don't know the answer to it or you cannot remember, please just tell us that. We just want you to tell us the truth, even if you don't know or can't remember. And

1 then the commissioners around this table will ask you  
2 questions as well.

3 A. Okay.

4 Q. Can you tell us your name?

5 A. It's Shirlyn Walters.

6 Q. Where do you live, Ms. Walters?

7 A. I live in Durham.

8 Q. And do you work?

9 A. No. I'm disable.

10 Q. Okay, Ms. Walters, do you remember November 18, 1975?

11 A. Yes, I do.

12 Q. What do you remember that you were doing that day?

13 A. We were preparing for my birthday party because my  
14 birthday is November 19. And I remember that all of  
15 us was there, including Willie and his girlfriend.

16 Q. What was his girlfriend's name?

17 A. I don't even remember her name.

18 Q. Okay. Go ahead.

19 A. And we were -- it -- my husband had set the birthday  
20 party for the entire weekend. And that night we were  
21 playing cards. And Willie left while his sister sent  
22 her child upstairs and had him to come downstairs. He  
23 was only gone for about maybe no more than 15 minutes.  
24 And he came back upstairs and he was upstairs at my  
25 house until about 3:00, maybe 4 o'clock in the morning.

1 Q. From starting what time?

2 A. Oh, I say about between 8:00 and 9:00 that night.

3 Q. What day of the week was this, do you remember?

4 A. If I'm not mistaken, because I could be mistaken, I  
5 think it was a Thursday or Friday.

6 Q. Okay. And you said it was your birthday weekend?

7 A. Yes.

8 Q. Were you going to celebrate that weekend?

9 A. Yes.

10 Q. So you said this was not your actual birthday?

11 A. Right, because my birthday is on the 19th of November.

12 Q. Okay. And how do you know that that is the specific  
13 day that you're remembering and not your actual  
14 birthday celebration or just another day of playing  
15 cards?

16 A. It was just another day, you know, because my husband  
17 and I had gotten off work. And Willie, for some  
18 reason, he was attached to my husband. And he would  
19 always, when he was around he would always come around  
20 my husband and I, and sometimes he would be there for  
21 dinner. But I just remember this particular weekend  
22 because I know that he was there, and his sister came  
23 up and, you know, and we were celebrating my birthday.

24 Q. Okay. Do you remember watching anything on TV, any TV  
25 shows?



1 A. Well, we had, we had the music playing, and we did  
2 have the TV on.

3 Q. Okay. Do you remember what you saw on the TV?

4 A. I'm trying to remember what, what night that we saw  
5 that there was a shooting in Granville County.

6 Q. When you say what night, what do you mean?

7 A. I'm trying to think if it was that Friday night or  
8 that Saturday night.

9 Q. So you're saying you don't know if it was your  
10 birthday or the day before?

11 A. Right.

12 Q. But you think it was either a Friday or a Saturday?

13 A. Uh-huh (yes).

14 Q. Okay. And then what about any other TV shows, do you  
15 remember, were you watching any other --

16 A. (Witness does not respond.)

17 Q. So you said you saw the shooting, was that on the  
18 news?

19 A. Yes.

20 Q. What do you remember from that news coverage?

21 A. I remember that we were, excuse me, we were sitting  
22 there playing cards. And Willie was, like, to my  
23 left. And he was, he was facing the TV, because we  
24 were in my dining room. And that's when I remember  
25 Willie saying, look, there's a shooting on TV. And

1 that's when my husband cut the music down and turned  
2 the TV up. And when, when we saw it, it was saying  
3 that this gentleman that -- in Granville County had  
4 gotten killed. And we all just, you know, made a  
5 comment on that, that, you know, that somebody had  
6 killed, you know, this man. And on there I remember  
7 seeing the police and the sheriffs, or whatever, in  
8 front of the store. And on the TV, what made it  
9 really stick out, I saw it said, Maola Ice Cream, and  
10 I'm trying to remember it if was ice cream sandwiches  
11 or what. But it said Maola Ice Cream, four for a  
12 dollar. And Willie was sitting there, he said, I  
13 remember him saying because it plays over and over in  
14 my mind, and I remember him saying, how could somebody  
15 kill somebody cold blooded?

16 Q. Okay. So the things that you're remembering, those  
17 are from the day before your birthday --

18 A. Like I --

19 Q. -- what you're describing right now?

20 A. Like I said, I'm trying to remember which day it was  
21 that we saw it on TV. But I do know that that's what  
22 we saw.

23 Q. You saw it on the news, you saw footage of the store?

24 A. Yes.

25 Q. And they were referring it to as somebody had died?

1 A. Yes.

2 Q. But you don't know if that was on the 19th, which is  
3 your birthday, or the 18th, which was the day before?

4 A. Right.

5 Q. And do you remember testifying at Mr. Womble's trial?

6 A. Yes. My husband and I both testified at his trial.

7 Q. Okay. And have you had a chance to review your  
8 transcript or the transcript of your testimony, you  
9 and your husband's testimony?

10 A. No, because for some reason it disappeared.

11 Q. Okay. So you reviewed it a year ago when we met you?

12 A. Yes.

13 Q. But not since then?

14 A. (Witness nods head affirmatively.)

15 Q. And was your testimony accurate? When you did review  
16 it a year ago, did you remember thinking it was  
17 accurate?

18 A. Yes.

19 Q. Okay. And what about your husband, reviewing his  
20 testimony, was his accurate?

21 A. If I'm not mistaken, it was.

22 Q. Do you remember telling us that your husband got  
23 confused when he was testifying?

24 A. Yes.

25 Q. What did you mean by that?

1 A. Well, my husband, his, his disability started showing  
2 up more then because my husband was on dialysis, and  
3 plus he, you know, he was taking different meds for,  
4 for his diabetes. And he refuse to start taking his  
5 medication. And when he refused to start taking his  
6 medication, sometimes his mind would, you know, be  
7 sharp, and then sometimes his mind wouldn't. And see,  
8 before, before then my husband was a truck driver.  
9 And my husband was driving his truck and actually hit  
10 a bridge and it split the front of the truck head on.  
11 And it was like my husband was, you know, there this  
12 moment and not there the next moment. But it was  
13 something that I had to deal with. So that's the  
14 reason I say, you know, that, you know, he was like in  
15 and out.

16 Q. So you're describing two different nights,  
17 November 18, which is the day before your birthday,  
18 and November 19, which is your birthday. How do you  
19 know for sure that Mr. Womble was with you the day  
20 before your birthday?

21 A. Mr. Womble was with us the entire weekend.

22 Q. Okay. And you're sure it was a weekend?

23 A. Well, I'm -- the time of my birthday.

24 Q. Okay.

25 A. He was with us the entire time.

1 Q. So he was with you both nights?

2 A. (Witness nods head affirmatively.) And he had dinner  
3 with us on that, that Sunday.

4 Q. So the day after, as well?

5 A. (Witness nods head affirmatively.)

6 MS. MONTGOMERY-BLINN: Okay. Commissioners,  
7 do you have any question for Ms. Walters?

8 SHERIFF JOHNSON: I do.

9

10 **EXAMINATION BY SHERIFF JOHNSON**

11 Q. Can you recall what time Willie was called to come  
12 downstairs by his sister that night? Do you remember  
13 about what time it might would have been? Was it  
14 early in the evening?

15 A. I know it was, it was late evening. It was dark.

16 Q. Okay. And how far do you live from the store that was  
17 robbed, the Food Mart?

18 A. Oh, we live a long ways. We lived in Durham, and this  
19 happened at Granville County.

20 Q. Okay. That was my only questions. Thank you.

21 A. Okay.

22 JUDGE SUMNER: Yes, sir.

23

24 **EXAMINATION BY MR. SMITH**

25 Q. What was Willie like? What kind of person was he?

1 A. Willie was a gentle, he was gentle, because he was  
2 even, at that time, I, I had custody of my niece, and  
3 he was even gentle with kids. You know, get out in  
4 the yard and play with them and do different things.  
5 But it was one thing that I remember about him that at  
6 the time Willie could not read that well. And I was  
7 actually teaching him how to read. And he would come  
8 up every day, you know, when he was at his sister's  
9 house, he would come up and he would sit there with my  
10 niece and I when I, when I got off work, and he would  
11 sit there and when I was teaching my niece, Willie was  
12 right there. And it was like he was thirsting to  
13 learn how to read.

14 Q. Did he have any kind of work that he could do? Did he  
15 have a job?

16 A. Not that I know of because every time I saw him, when  
17 I would come home from work he would either be at his  
18 sister's house or right down the street at the  
19 basketball court.

20 Q. I'm sure you can't look into a magic crystal ball or  
21 something, but let me ask you this question anyway.  
22 Was Willie the kind of person that you would have  
23 thought would participate in an armed robbery?

24 A. No. No, because Willie would always help people, you  
25 know, in the, in our, in neighborhood. And, you know,

1 if they gave him something, then it was, it was like  
2 he was a very appreciative person. He appreciated  
3 whatever someone gave him.

4 Q. Thank you.

5

6

**EXAMINATION BY JUDGE SUMNER**

7 Q. Ms. Walters, I know it's been a long time, but are you  
8 able to remember everybody that was at your house that  
9 evening the first time you saw the TV coverage about  
10 the incident in Granville County, ma'am?

11 A. Not everybody, but I do remember the ones that was  
12 playing cards with us.

13 Q. Can you name them?

14 A. There was Willie, his girlfriend --

15 Q. Whose name you can't remember?

16 A. Right. His sister, Emma Jean, his sister came up for  
17 a little while; my best friend, Ella Rose.

18 Q. Does she have a last name? That is her last name,  
19 Rose?

20 A. Huh?

21 Q. Her last name is Rose?

22 A. Ella Rose Taylor, and she's, she's deceased now; and my  
23 husband; and this guy named Sterling Cunningham.

24 Q. Thank you.

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EXAMINATION BY MR. VICKORY

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Q. The birthday celebration that you say went over a couple of days, is that right?

A. Yes.

Q. Would you call it kind of like two parties the day before or two get-togethers the day before your birthday and then your birthday also, or was it three days, or one continuous event, or how would you --

A. (Witness does not respond.)

Q. I guess what I'm asking, did everybody go home the first day and then come back the --

A. Yes.

Q. Okay. And the first day is the day we're talking about you remembering the video of the crime scene, is that right, the first evening?

A. Like I said, I'm trying to remember if it was the, the first day or either the next day.

Q. That first day, when did you say Willie wound up leaving your house?

A. I said between, between 2:00 and 4:00, because it was no -- it was the wee hours of the morning.

Q. And that was the day you saw the -- well, you don't know which day it was.

A. Right.

Q. Okay. The next day, would that have been the longer



1 party, your actual birthday? I mean, did they leave  
2 later the next day or did they leave earlier the next  
3 night?

4 A. It was, it was late, about the same time.

5 Q. I believe in the first trial or at the trial, I guess,  
6 you indicated that they had left that first night  
7 around 11:15. Would that have been probably not  
8 exactly right?

9 A. No, that's not right, because we watched the news  
10 together.

11 Q. Right.

12 A. The 11 o'clock news.

13 Q. And you say the news was on, but your husband actually  
14 got up and turned the music down when he found out  
15 there had been a shooting in another county?

16 A. Yes.

17 Q. Was there some significance about a shooting that  
18 occurred in Butner for you all in Durham that caused  
19 you to want to turn the -- at a store in Butner? Why  
20 would that be of any significance to stop the party,  
21 so to speak, you know, cut down the music and step  
22 over and turn the TV up?

23 A. Because my husband had friends that lived in Oxford  
24 and he -- it was something about him and the, and the  
25 news.

1 Q. But there was something that happened with regard to  
2 that report on the story about the shooting that was  
3 so significant that Willie, that he commented, he  
4 chimed in on this conversation about how could anybody  
5 do a cold, shoot somebody in cold blood like that?

6 A. Right. Because what we did, like I said, my husband  
7 cut the TV down and we listened to it. And after we  
8 listened to it, that's when, you know, the comments  
9 was made. So -- and see, and I can't speak for my  
10 husband, I can only speak for what I know myself.

11 Q. But those comments that were made, at the time you  
12 made those comments or that he made them, Willie made  
13 those comments, they referred not just to a shooting,  
14 but they referred to a murder, isn't that right, or a  
15 death as a result of a shooting?

16 A. The first time that we saw it, it was saying a  
17 shooting. That was the first time that we saw it.  
18 The next day, that's when we, we heard that it, the  
19 man died.

20 Q. When was it Willie made the comment?

21 A. If I'm not mistaken, it was the, when we heard that  
22 the man died.

23 Q. And that was also the same time you saw the video  
24 footage of the store?

25 A. Yes.

1 Q. Okay. Thank you.

2 MS. MONTGOMERY-BLINN: Are there any other  
3 questions, Commissioners?

4 (NO RESPONSE.)

5 MS. MONTGOMERY-BLINN: Okay. Thank you,  
6 Ms. Walters. I'll ask that she be released from  
7 her subpoena?

8 JUDGE SUMNER: Thank you, ma'am. You're  
9 released.

10 A. Okay. Thank you.

11 (MS. WALTERS EXITS THE CONFERENCE ROOM.)

12 MS. MONTGOMERY-BLINN: Okay, the Commission  
13 calls Willie Womble.

14

15 **Willie Henderson Womble, having first been**  
16 **duly sworn, testified as follows:**

17

18 **EXAMINATION BY MS. MONTGOMERY-BLINN**

19 Q. Good morning, Mr. Womble.

20 A. Good morning.

21 Q. How are you?

22 A. Good. Yourself?

23 Q. Tell us your full name.

24 A. Willie Henderson Womble.

25 Q. And where do you reside, Mr. Womble?

1 A. Where I'm housed at?

2 Q. Uh-huh (yes).

3 A. Dan River Correction.

4 Q. How old are you?

5 A. 60.

6 Q. And Mr. Womble, I need you to speak up as loud as you  
7 can when you answer my questions so that everybody  
8 here can hear you and so the court reporter can get  
9 everything that you say.

10 Where are you from originally?

11 A. Durham.

12 Q. Do you remember meeting with myself and Ms. Stellato  
13 before?

14 A. Yes, ma'am.

15 Q. It's been a little while?

16 A. Yes, ma'am.

17 Q. Okay. About last summer?

18 A. Yes, ma'am.

19 Q. So I'm going to ask you questions today and some of  
20 them are going to be the same questions that I've  
21 asked you before. And if you don't know the answer to  
22 any of the questions that I ask, please just tell us  
23 that you don't know, or if you can't remember, please  
24 just tell us that you can't remember. And then after  
25 I ask questions, the commissioners who are around this

1 table may ask you questions as well.

2 Mr. Womble, what are you convicted of?

3 A. Murder.

4 Q. What do you know or do you know the date that that  
5 crime happened?

6 A. No, ma'am, not exactly.

7 Q. Did you do the murder?

8 A. No, ma'am.

9 Q. Did you have any part in the murder?

10 A. No, ma'am.

11 Q. Were you in the car when the murder happened?

12 A. No, ma'am.

13 Q. Did you know the murder was being planned?

14 A. No, ma'am.

15 Q. Who else is convicted of this murder?

16 A. Joseph Perry.

17 Q. Did you go with Joseph Perry to Butner?

18 A. No. I knowed him, I knowed him in the street.

19 Q. Did you go with him to Butner?

20 A. No, ma'am.

21 Q. You said you don't know the date. Do you know what  
22 you were doing when the murder happened?

23 A. No, no, I was at a, I was a friend house the night that  
24 it occurred, whatever.

25 Q. At a friend's house?

1 A. Yes, ma'am.

2 Q. What friend?

3 A. Shirlyn and Leroy Walters.

4 Q. Now, how do you know you were at their house?

5 A. Because it was on, it was on her birthday, it was on  
6 her birthday. Me and my fiancée was over there, had  
7 come.

8 Q. Do you remember that or have people told you that?

9 A. No, you know, you know, I remember that, you know, you  
10 know. I remember that. But, you know, as the years  
11 pass by, you know, I can't figure out, you know,  
12 exactly what date it was and stuff.

13 Q. Were you at her house on more than one day?

14 A. No, ma'am, because my older sister, you know, at the  
15 time, you know, my older sister, I had my older sister  
16 used to stay right across from, the apartment right  
17 across from them.

18 Q. Was that Emma Jean?

19 A. Yes, ma'am.

20 Q. And did you go to Ms. Walters' house a lot of nights?

21 A. Yes, ma'am. We, we used to play cards and stuff, me,  
22 my girlfriend, and her husband.

23 Q. So this was a regular thing to do?

24 A. Yes, ma'am.

25 Q. So how do you know you were doing it on that specific

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day?

A. You know, because, because it was on her birthday.

Q. Okay. You remember it being her birthday that day?

A. Yes, ma'am.

Q. Did you celebrate her birthday in one day or over multiple days?

A. No, just that one day.

Q. Okay. You said you didn't go with Joseph Perry to Butner. Did he ever talk to you about it afterwards?

A. Don't -- because, because, because at the time, at the time that that happened, I hadn't, I really hadn't seen Joe Perry in, in over a month. I really hadn't seen him in over a month. I know, I know I was arrested, I know I was arrested in December; I know I was arrested in December. So I hadn't seen Joe Perry in something like about the middle part of October, or something like that, you know, you know, before I was arrested.

Q. So did he ever talk to you about planning any kind of robbery?

A. No, ma'am, not, not that.

Q. And after it happened but before you were arrested did he ever talk to you about it?

A. You know, I know the next time I seen him, seen him after then was at Central Prison because, because he

1 was locked up in Durham, you know. They took me out  
2 of Durham and then locked me up in Oxford. So I, so I  
3 never seen, I never seen him no more to after I caught  
4 my time and went to Central Prison.

5 Q. So after you caught your time, is that --

6 A. Yes, ma'am.

7 Q. What did he say to you in Central Prison?

8 A. You know, you know, I don't know, for some reason, you  
9 know, you know, you know, for some reason, you know,  
10 we were mad at each other for a long time, you know,  
11 you know. We were mad at each other for a long time  
12 because I, because I still, like, you know, because,  
13 you know, I just feel like I was betrayed for some  
14 reason and stuff, you know. And then for, and then  
15 for a while, you know, they wouldn't let us, they  
16 wouldn't let us be on the same camp together for a  
17 long time. Then, then, then, you know, we went about  
18 with, went about ten, ten more year, went about ten  
19 more year, you know, without seeing each other again,  
20 about ten more year without seeing each other again,  
21 till I said -- then, you know, we kept on separate. I  
22 know, I know the, I know the last time I seen him was  
23 at, it was at -- it was '10 or '11 up there at Wake  
24 Correctional Center, that day, at Wake Correctional  
25 Center and stuff.



1 Q. Did you talk then?

2 A. You know, you know, you know, he came to me one day,  
3 he look all -- we just be on the yard really a whole  
4 lot of time, time, you know, we used to walk by each  
5 other and we'd walk by each other, you know, you know,  
6 you know, when he said nothing to him because, you  
7 know, for year, you know, because for year, you know,  
8 I looked at him as, you know, being my brother, you  
9 know, being my own brother. And I say, well, you  
10 know, how can you let this go on all these year, you  
11 know, you know. So, so, so, so he asked me, you know,  
12 he asked me one day was I mad with him, he asked me  
13 one day was I mad with him. I said, you know, I said  
14 I be, I said, you know, I'd be lying to myself, you  
15 know, if I said no. I said I'd be lying to myself if  
16 I said no, and stuff, you know. So he done said that.

17 So, so, so he told, told me one day, he told  
18 me, said that I'm going to tell the truth, you know.  
19 He said, I'm going to tell the truth, you know, what  
20 really happened and stuff. But, you know, that's  
21 been, that been about four year, about four, about  
22 four or five years ago. So, you know, I, you know, so  
23 I really paid it no more attention, you know, until  
24 you all contact me at Dan River.

25 Q. You said he was like your brother growing up?

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A. Yes, ma'am.

Q. Can you tell me more about that?

A. You know, because, you know, you know, and I had been knowing him for years and stuff, you know. We were, you know, we were raised, you know, know, we were raised up together, you know. We were raised, you know, we really, you know, growing up, you know, we really didn't stay too far, far from each other out in the same project and stuff.

Q. Did you ever do any crimes with him?

A. No, ma'am. No, you know, basically, you know, little typical stuff, you know, coming up, you know, like speeding in cars and stuff like that.

Q. What about any robberies?

A. No, ma'am.

Q. Did he ever give you a gun?

A. Huh?

Q. Did he ever give you a gun?

A. Not to my knowledge. I can't remember.

Q. Okay. How about the robbery of an insurance company?

A. An insurance company?

Q. Uh-huh (yes). Did he ever help you or set up a robbery for you of an insurance company?

A. You know, you know, you know, he did talk to me, you know, he did talk to me about robberies and stuff.

1 But, you know, no, I didn't never, you know, I didn't  
2 never get into no robbing, you know, and I had a few  
3 B&E charges and stuff.

4 Q. Did you ever rob an insurance company?

5 A. No, ma'am.

6 Q. You said you had B&Es?

7 A. Yes, ma'am.

8 Q. What were they of?

9 A. It's a store, a Laundromat, stuff like that.

10 Q. A store and a Laundromat?

11 A. Yes, ma'am.

12 Q. How about Albert Willis, do you know him?

13 A. Yes, ma'am.

14 Q. How do you know him?

15 A. He stayed out there, he stayed out there, you know,  
16 you know, he used to stay in a neighborhood we used to  
17 stay in.

18 Q. The same neighborhood?

19 A. Yes, ma'am.

20 Q. How about James Frazier? He went by BooBoo.

21 A. James, James Frazier, a James Frazier, I really, I  
22 really didn't know him, you know. I really didn't know  
23 him, but I knew -- he was one, you know, when all this  
24 happened, you know, he was, you know, he was picked up,  
25 too.

1 Q. Why was he picked up?

2 A. Huh? Well, well, well, at first, you know, they had  
3 all us charge, supposed to been charge with the same  
4 thing. They supposed to been, they supposed to been --  
5 I believe his name was Firewood. Let's see, I know me,  
6 Joseph Perry, Albert Willis, and Michael Watkins,  
7 and --

8 Q. Okay. Well, tell us about when you were picked up.

9 A. Oh, when I was picked up, when I was picked up, I was  
10 picked up for a charge in Durham over the fine  
11 downtown, so they carried me, they carried me  
12 downtown. They locked me up, you know, you know, they  
13 locked me up so, you know, you know, I had been, you  
14 know, I had been drinking at that time. So they got  
15 me downtown, so they started questioning me about a  
16 robbery and murder charges and stuff. So at first I  
17 told them, you know, I didn't know. So, so, so, you  
18 know, they telling, they telling me this, that, you  
19 know, grabbing me and stuff, you know, you know,  
20 jumping on there. So it was, it was Detective Lorenzo  
21 Leathers.

22 Q. Detective Lorenzo Leathers?

23 A. Yeah. It was Detective Lorenzo Leathers and stuff.

24 Q. Was this in Durham?

25 A. Yeah, yeah, it as in Durham.

1 Q. And when you said they carried you downtown, where was  
2 that?

3 A. Huh?

4 Q. What do you mean by they carried you downtown?

5 A. You know, you know, when they first, when they first  
6 arrested me. When they first, when they first  
7 arrested me they carry me down to the Durham County --

8 Q. To the jail?

9 A. Yes, ma'am.

10 Q. Go ahead. What did Detective Leathers say?

11 A. So, so he didn't, he didn't -- he wasn't talking to  
12 me. He never talked to me about the charge that they  
13 were actually supposed to been arresting me for. So  
14 he got to question me, so he started to question me,  
15 what do you know about a murder charge and robbery  
16 charge over there in, over there in Butner in  
17 Granville County. I said, I told him, said that, you  
18 know, I don't, I don't know what you talking about.  
19 So he, so he starts bringing up the other names and  
20 stuff. And then, you know, they had -- I was  
21 basically handcuffed like I am now, you know. He  
22 pushed me around the chair and stuff and said, you  
23 know, you know. And so I tell him I don't know. So  
24 that's about all I remember that really.

25 I remember when they carried me in the jail

1 and put me in, took me out of Durham Jail and carried  
2 me over there Granville County and put me in jail.  
3 That's when the SB officers, SB, two SBI officer come  
4 over there, you know. And the basic thing, they grab  
5 me, they tell me, said, if you don't, if you don't  
6 sign this, you know, telling me, said, if you don't  
7 sign this, we going to do this and we going to do  
8 that, and stuff, you know, and had me to sign  
9 something.

10 Q. What did you sign?

11 A. I don't know. It's something. I basically don't know  
12 what it is now because, you know, it was something  
13 that they had already wrote up. It was something, you  
14 know, you know, it was something that they had already  
15 wrote up saying that, saying that I, saying that I had  
16 supposed to been with Joseph Perry that night and all  
17 that stuff. I supposed to been the lookout man or  
18 whatever.

19 Q. So you knew that what you were signing said you were  
20 involved in the murder?

21 A. Huh? Yeah, I basically know where, you know, the  
22 reason, the reason I done that, you know, the reason I  
23 done that, it keep from continue getting jumped on.

24 Q. Did you tell them?

25 A. Huh?

1 Q. Did you tell them?

2 A. Yes, I done told, you know, I done told my lawyer. I  
3 even, I even took a polygraph, I even took a polygraph  
4 test. But we went to court, you know, when we went to  
5 court the lawyer, you know, you know, the, you know,  
6 the lawyer brought it up. But some kind of way, but  
7 some kind of way they say, you know, said something  
8 about the polygraph test, test, you know, they  
9 wouldn't use it.

10 Q. Okay. But let me just back up before the polygraph.  
11 Did you tell the officers after they questioned you  
12 that you were there at the robbery and shooting?

13 A. Yes, ma'am.

14 Q. Okay. And what did you tell them?

15 A. Huh?

16 Q. What exactly did you tell them?

17 A. Well, tell, I tell the truth right, right now, I  
18 basically don't know because it was something that  
19 they had already wrote up. It was something they,  
20 they had already wrote up and they had me to sign it.  
21 And they told me, said, this what happened. They told  
22 me, said, this what happened right here. You were  
23 with Joseph Perry such-and-such a night, and all this.  
24 Well, you was in the car; well, you was in the car.  
25 You didn't go in the place, but you knew what happened

1 and stuff right here. And, you know, you, you know,  
2 you sign right here.

3 Q. Did they read it to you before you signed it?

4 A. Yes, ma'am, because I couldn't read. They read it to  
5 me.

6 Q. So they read it to you?

7 A. Yes, ma'am.

8 Q. And then you signed it?

9 A. Yes, ma'am.

10 Q. Did Detective Leathers come back the next day with it  
11 typed up for you to sign?

12 A. Yeah, he done came back with it because I know when  
13 came down there, I know when I came -- when the SBI  
14 and them officers came to me down there in Granville  
15 County, they told me, threatened me. I don't, I don't  
16 know exactly what happened to the paper because I know  
17 I gave it to the lawyer -- because they threaten me  
18 and they told me, said that -- I told them, no, I  
19 told, I had told them what Lorenzo Leathers had done  
20 in Durham. And they said, you know, they done said  
21 that they didn't want to hear it. They done said that  
22 they didn't want to hear it. Basically, you know,  
23 they started doing, doing the same thing that he did.  
24 So, so, so they, they appointed, they appointed me a  
25 lawyer, they appointed me a lawyer.



1           So they said that when you go into court,  
2           you, you go into court, you know, you better plead  
3           guilty. So they, they appointed me a lawyer named, I  
4           believe it was Wilkins. So when I went, so when I  
5           went to have, I knew, I knew when I went to have my  
6           hearing, I knew when I went to have my hearing they  
7           appointed, they appointed me to a lawyer. So when I  
8           went in there he thought I was going to go in there  
9           and plead guilty. So I told him, said that -- so I  
10          told him, said no, I told him, said no. I said that  
11          I'm not going to plead guilty. Then the judge turned  
12          to ask me -- I told the judge at the time, so that  
13          when he appointed me another attorney. That when he  
14          got me another attorney there in Durham and, you know,  
15          to, you know, to represent me. William Parks.

16        Q. William Parks?

17        A. Yes, ma'am. Parks. Was it William Parks or William  
18        Parker, one of the two.

19        Q. Okay. Do you remember meeting with the assistant  
20        district attorney, David Waters, and SBI Agent Momier  
21        before your probable cause hearing?

22        A. No, ma'am, I can't remember.

23        Q. Do you remember being offered immunity to testify in  
24        this case?

25        A. Yes. Yeah, yeah, they want, they wanted me, they

1 wanted me, they wanted me to testify, you know,  
2 against Joe Perry, you know. But I told them, I told  
3 them that, that, you know, I couldn't testify against  
4 no man because, I said, if I testify against a man,  
5 you know, and saying that he did this crime, I would  
6 be lying because I never seen him, because I never  
7 seen him do it.

8 Q. Do you remember your probable cause or preliminary  
9 hearing?

10 A. Huh? No, ma'am, that was --

11 Q. Do you remember testifying?

12 A. It's -- no, ma'am. No, ma'am. No, ma'am, I can't  
13 remember. I know, I know at the trial, I know, I know  
14 at the trial, I know at the trial, the only thing I  
15 got on the stand at the trial. But I think, I think I  
16 did say something at the, I think, I think I did say  
17 something at the, at the hearing and stuff because the  
18 part came and all at the hearing and stuff, you know,  
19 where what the detective and them had did to me up in  
20 the county and stuff, what Lorenzo Leathers and them  
21 had did.

22 Q. That came up?

23 A. Yes, ma'am.

24 Q. Can you tell me what you mean by that?

25 A. You know, I told, well, I told, I told the judge, you

1 know, I told the judge, you know, about that statement  
2 they had got me to sign that they had forced, that  
3 they had forced me to sign that, you know, by, you  
4 know, jumping on me.

5 Q. Okay. You told the judge they were jumping on you and  
6 forced you to sign the statement?

7 A. Yes, ma'am; yes, ma'am.

8 Q. Did you also have another piece of paper that you  
9 wanted to show the judge?

10 A. Yeah. I had, I had, I had a piece of paper that I  
11 wanted to show the judge, what SBI officer and them  
12 had -- me. They had, they had wrote down on a piece  
13 of paper when they interrogated me saying that, saying  
14 that if you don't go through with this and say Joe  
15 Perry got to do, we going to give you this, this  
16 amount of time, and all this. You know, that's what  
17 you going to get, you know, that's what you going to  
18 get, and all that.

19 Q. And could you read that piece of paper?

20 A. Huh?

21 Q. Could you read that piece of paper?

22 A. No. No, I couldn't, I could not read it, but one of  
23 the, you know, one of the person who were locked up  
24 with me in the county read it for me.

25 Q. And did you show that piece of paper to your lawyer?

1 A. Yes, ma'am.

2 Q. What do you remember about your trial?

3 A. I remember, I remember, I remember about, I remember  
4 about my trial -- yes, yeah, let's go back. I do, I  
5 do remember one thing at the preliminary hearing. It  
6 supposed to been, it supposed to been, it supposed to  
7 been, it supposed to been a girl in the store the  
8 night that the shooting supposed to have taken place.  
9 I believe, I believe it was the man daughter,  
10 something. And when they asked her, when they asked  
11 her could, could she identify me as being in the  
12 store, as being in the store that, the night that her  
13 father was killed, she, she said no. But they asked  
14 her could, could, could she identify Joe Perry, she  
15 said -- they asked her could she identify Joe Perry.  
16 She didn't, she didn't said, she didn't said that --  
17 she didn't actually say that she could identify Joe  
18 Perry, she said that she know Joe Perry because Joe  
19 Perry, because Joe Perry had done time over at Umstead  
20 Correctional Center in Butner, and at the time I  
21 believe he was the president of the Jaycees over  
22 there. So, so I believe this why she say she was  
23 knowing him. And this right here -- and that right  
24 there weren't never corrected by neither, neither one  
25 of, neither one of the attorneys. And my attorney,

1 his attorney at the preliminary never, never heard.

2 But they asked her, when they asked her did, did she  
3 know me, she said that, you know, she said, she said  
4 no; she said no.

5 Q. Do you remember how many people were originally  
6 charged?

7 A. Talking about the trial we did?

8 Q. With you, how many people were charged?

9 A. When they first locked us up it was actually, I  
10 believe it was, I believe it was four or five. I know  
11 me, Joseph Perry. Let me see, me, Joseph Perry,  
12 Michael Watkins, and one they call BooBoo, Anthony  
13 Frazier, whatever his name was. I know it was, it was  
14 four, it was four or five, it was four or five people  
15 they charged it with.

16 Q. You said yourself, Joe Perry, Michael Watson?

17 A. Yeah, Michael Watkins.

18 Q. Watkins?

19 A. Uh-huh (yes).

20 Q. And someone they called BooBoo?

21 A. Yes, sir.

22 Q. And maybe another person?

23 A. Yeah.

24 Q. Okay. After the preliminary hearing, do you remember,  
25 were any of the other cases dismissed?

1 A. You're talking about the other people, talking about  
2 other ones they locked up?

3 Q. Yes.

4 A. I know, I know we had the preliminary hearing. Some  
5 kind of way, in some kind of way the other three, you  
6 know, you know, they left; you know, they left. And  
7 they kept me, they kept me locked up and they kept me  
8 locked up in jail in Granville County and carried,  
9 carried Joe Perry, carried Joe Perry, I guess, back to  
10 Durham County.

11 Q. All right. And I think we were talking about your  
12 trial. What do you remember from your trial?

13 A. Yeah. I remember, you know, you know, I remember  
14 about the trial, I remember about the trial when, I  
15 remember about the trial when the DA, I remember, I  
16 remember for -- I know we had went, went on recess, I  
17 know we had, I know we had went on recess. And DA,  
18 they had me, they had me in the holding cell. The DA  
19 told me, said that -- he come out there, he told me,  
20 said that, he told me, said, we can stop the trial  
21 right now if you want to and you can go ahead on take  
22 a plea. He done said that you can go ahead take a  
23 plea because if you don't, you know, you going to be,  
24 you know, you going to get the death penalty, you  
25 know, you can get the death penalty for first degree

1 murder. I talked to him, I told him, said that, you  
2 know, I told him, said I can't do that. I told him,  
3 said that, I told him, said, I can't, you know, I  
4 can't plead guilty to something I ain't took a part in  
5 and don't know nothing about.

6 Q. Okay. Do you remember trying to hand the judge a  
7 piece of paper at your trial?

8 A. Yes, ma'am.

9 Q. What was that piece of paper?

10 A. It was, you know, it was a piece of paper, it was, it  
11 was part of the -- that, that, that the SBI had wrote  
12 down and gave, gave it to me. But my attorney, my  
13 attorney took the paper, my attorney tore the paper  
14 out of my hand. And my attorney took the paper out of  
15 my hand and I don't -- and, you know, after then, I  
16 don't ever know what happened to it.

17 Q. Okay. Was your case appealed?

18 A. Yes, ma'am.

19 Q. What do you know about your appeal?

20 A. Only thing I know, you know, the only thing I knew, it  
21 was appeal and come back in, come back in 1977, you  
22 know, my attorney got a letter back saying, you know,  
23 the appeal, you know, the appeal was turned down, you  
24 know, said appeal was turned down, you know, you know.  
25 I never heard from the lawyer, I never heard from the

1 lawyer no more since the day, you know, I caught the  
2 time, since my attorney caught the time in '76. As  
3 soon as I, as soon as I was sentenced in '76 I never  
4 heard from him no more. My attorney got a letter back  
5 from the court, you know, I got a letter back from the  
6 court, I believe it was in '77, 1977, saying that the  
7 appeal, that the appeal had been denied. So that, you  
8 know, that, you know, really, that was the last time I  
9 had ever heard anything there from that case again.

10 Q. Could you read that letter?

11 A. Huh?

12 Q. The letter that you got, were you able to read it?

13 A. No, somebody read it to me.

14 Q. Can you read and write?

15 A. No, you know, you know, you know, I can read a little  
16 better than I did, you know, when I got locked up and  
17 that.

18 Q. So do you ask other people to read or write for you?

19 A. Yes, ma'am.

20 Q. How do you send letters to your family?

21 A. I have somebody, I have somebody write letters for me.  
22 More times I'll call, and something like that, when I  
23 came.

24 Q. How do you read letters from your family?

25 A. Huh?



1 Q. How do you read letters that you get from your family?

2 A. No, I -- I have one of my friend or someone to read  
3 for me.

4 Q. Did you go to school?

5 A. Huh? Yes, ma'am.

6 Q. What grade did you finish?

7 A. Now, I was in special ed.

8 Q. Okay.

9 A. Yeah.

10 Q. Special ed, but what, did you make it to high school?

11 A. No, junior high.

12 Q. Did you ever tell your family or friends that you were  
13 in the car when Joseph Perry and the other guys went  
14 into the store?

15 A. No, ma'am.

16 Q. Were you in the car?

17 A. No.

18 Q. What have you done over the years to try to get out of  
19 prison or prove that you're innocent?

20 A. You know, you know, you know, I done told some court as  
21 soon as I been locked up, you know, you know. You  
22 know, I been working, you know, you know, I been  
23 working the whole time I been locked up, you know, you  
24 know. You know, I been working the whole time I been  
25 locked up, you know. And I was on the MAPP, you know,

1 you know. You know, I was on the MAPP and I was on  
2 work release, you know. I was on work release and  
3 everything. I was on work release and I, I was on  
4 work release and everything, you know. A little  
5 coincident, you know, a little coincident happened  
6 when I was on work release, some false accusation.  
7 So, you know, the MAPP, you know, my MAPP and  
8 everything was taken and stuff. But ever since then  
9 -- but really, ever since '09, you know, everything,  
10 you know, that's been on a standstill, you know. I  
11 was going, and I was going out on, I was going out on  
12 passes, and I was going out on passes back in the  
13 community and stuff, out of CV passes and stuff. But  
14 when the thing came by in '09 with this -- when they  
15 say I won't getting off. So then now, you know, ever  
16 since then, you know, they say I can't go back out on  
17 CV passes or nothing. So basically, you know, I'm  
18 just there working five days a week.

19 Q. But did you ever try to, even if you can't write, ask  
20 somebody else to write letters for you to agencies  
21 like the Innocence Commission or Prisoner Legal  
22 Services or the Center on Actual Innocence or the  
23 NAACP or other agencies to try to get some help?

24 A. Yeah, you know, I really didn't know, you know, I  
25 really didn't know nothing about, you know, that right

1 there. I really didn't know nothing about that.

2 Q. Okay.

3 MS. MONTGOMERY-BLINN: Commissioners, do you  
4 have any questions for Mr. Womble?

5

6 **EXAMINATION BY MR. VICKORY**

7 Q. Mr. Womble, the relationship that you had with  
8 Mr. Perry, could you -- did you say you were close to  
9 each other?

10 A. Yes, sir.

11 Q. Were you hanging out a lot together with his crowd or  
12 were you kind of on the outside, or how was that?

13 A. I know he -- like I said, when this crime, when this  
14 crime first happened, I hadn't -- at the time, at the  
15 time I hadn't seen, I hadn't seen Joe Perry in a month  
16 and a half because, you know, I had -- because the  
17 section of town, no, the section of town that he  
18 stayed in, I had, you know, I had moved, I had moved  
19 away from over there, you know. I had, I had moved, I  
20 had moved from away from over there, you know, way  
21 across town and stuff.

22 Q. So you were not hanging out with him at that point?

23 A. No, ma'am.

24 Q. Okay.

25 A. No, sir. No, sir.

1 Q. But before that were you all pretty close?

2 A. Yeah; yeah. You know, you know, during that time,  
3 during that time, you know, you know, we were still  
4 friend, you know, we were still friend but, you know,  
5 we wasn't hanging out together.

6 Q. But were you aware that he was doing, involved with  
7 some robberies in Durham, doing some robberies at that  
8 time, during that time period right before the  
9 incident in Butner?

10 A. Well, you know, I know, I know, I know he was doing,  
11 you know, I know, I probably know that he was doing  
12 thing that, you know, he won't supposed to be doing.  
13 But, but, you know, it just like I said, you know,  
14 when I got locked up, you know, I can't tell no lie  
15 and say that I seen this man rob somebody or shoot  
16 somebody, you know, when I didn't. I would be lying;  
17 I would be lying myself.

18 Q. Right.

19 A. Because if I know, if I seen him, you know, if I seen  
20 him rob or shoot somebody, kill somebody, you know,  
21 you know, I would say it because, you know, I'm not  
22 going to sit here, I wouldn't sit here, you know, be  
23 doing all this time for him if I know, if I know  
24 seeing him, you know, do that.

25 Q. Did he ever come to you and talk to you about what you

1 were doing, breaking into homes and things like that?

2 Did Joe Perry ever come talk to you about breaking  
3 into houses?

4 A. Yeah, I think, I think, I think, I think he broke in a  
5 place with me before. I think he broke in a place.

6 Q. With you?

7 A. Yeah. But we -- but I never, you know, I never did a  
8 robbery with him; I never did a robbery with him,  
9 nothing like that.

10 Q. Well, I'll just quit beating around the bush, I guess,  
11 and just tell you. He told us that he was somebody  
12 that liked to rob from businesses and folks that had  
13 money, but that he was concerned about you breaking  
14 into people's homes in the neighborhood, that he came  
15 to you and suggested an easy robbery and gave you a  
16 gun that had two bullets in it. Did anything like  
17 that ever happen?

18 A. Not that I -- I can't, I can't remember. I don't  
19 remember him never giving me a gun and telling me go  
20 rob nobody.

21 Q. So you never robbed an insurance company?

22 A. No, sir.

23 Q. He said after that robbery you came back and the law  
24 kind of followed you back into the neighborhood. You  
25 came into his house and he put you up in the attic or

1 up in the loft, as he described it, held, kept the  
2 police off of you when they came looking for you.

3 A. No, no, the coincident, the coincident you're talking  
4 about, you talking about I went up in the attic, the,  
5 the coincident he talking about I went up in the  
6 attic, that, that right there, that right there was no  
7 robbery. That was no robbery right there. The police  
8 had came, came over his house. They were, like I said,  
9 they got him way before -- this right here was about  
10 nine months, this right here was about nine months  
11 before then. The police came over his house one day.  
12 The police came, came over to his house one day. That  
13 was over there on Geer Street, when he was staying on  
14 West, West Geer Street. And at the time the police  
15 was, they were looking for me. So I went up, you  
16 know, I had him, you know, to hide me up in the attic,  
17 an attic and stuff. But that right there had nothing  
18 to do, that right there had nothing to do with a  
19 robber.

20 Q. What were you hiding from?

21 A. Huh? No, because, because the police and them, they  
22 were looking for me at the time for B&E. They were  
23 looking for me at that time for B&E and probation  
24 violation.

25 Q. But you were close enough to Joe where he was hiding,

1 helping hide you from the law?

2 A. Yeah.

3 Q. Okay. When you got first approached about this  
4 particular shooting in Butner, you were in the Durham  
5 County Jail, is that right?

6 A. Yeah.

7 Q. Was Leathers the one that first talked to you about  
8 it?

9 A. Yes; yes, sir.

10 Q. Was that when you first started hearing Joe's name  
11 bandied about or talked about, about being involved in  
12 this thing?

13 A. No, Joe -- I believe they -- if they, if they ain't, if  
14 they ain't mistaken, I believe Joe was already locked  
15 up about a few weeks or a month before I even was  
16 arrested. He was already, you know, he was, he was  
17 already in the Durham County Jail; he was already in  
18 the Durham County Jail.

19 Q. On something else or on this?

20 A. Yes, I don't know, I don't know, I don't know exactly  
21 what he was in there for. I know, I know, I know he  
22 had some more, I know he had some more charges and  
23 more robbery charges and stuff, you know, that, you  
24 know, that he was already locked up for and stuff.

25 Q. Well, I guess I'm trying to figure out when it was

1 Leathers supposedly came up with this story that he  
2 had you sign. I mean, where did he get that  
3 information from?

4 A. I don't know because, see, see, Detective Leathers,  
5 see, Detective Leathers had been knowing me and Joe  
6 Perry for year. He had been knowing me and Joe Perry  
7 for year because, you know, he had, you know, because  
8 he had arrested me before. He had, he had, he had  
9 arrested me before. So when I got down, so when I got  
10 downtown, so they were locking me up for something  
11 else, and then he had me in there so he started  
12 questioning me, he started questioning me about other  
13 robberies happen in Durham, and then he asked me, you  
14 know, you know, I heard you, you know, had something  
15 to do with a murder. I heard you had something to do  
16 with a murder over there in Butner, you, Joe Perry,  
17 and all, and some more peoples and stuff.

18 Q. And you denied that?

19 A. Yes, sir, because, because, because at that time,  
20 because at that time right there I had, I had never  
21 been in, I had never been in Butner before. I had  
22 heard of Butner before, but as far as being in Butner,  
23 I hadn't, I hadn't never been to Butner before, no  
24 less, you know, being there permitting a crime.

25 Q. But at some point a statement is written out. I mean,



1 did he already have that statement when he started  
2 talking to you, is that what you're saying?

3 A. I can't, I can't remember if he already had or was he  
4 writing, or was he writing it up at the, at the time.  
5 Because I know he had, I know he had a pen, I know he  
6 had a pen and a pad.

7 Q. Were you talking to him during this time?

8 A. Huh?

9 Q. When he was writing down were you talking to him about  
10 something?

11 A. Yes; yes. He was talking.

12 Q. Were you talking?

13 A. Yes, you know, you know, I would answer, you know,  
14 when he started talking about that. When I started  
15 telling him no and then, you know, that when he  
16 grabbed me, you know. He had me handcuffed. And that  
17 when I, I told him, you know, I didn't know what, you  
18 know, he was talking about.

19 Q. And he grabbed you like by his hands grabbed you?

20 A. Yeah.

21 Q. Did you say he threw you on the ground?

22 A. Yeah; yeah. No, on the floor. With, with -- we do  
23 some -- it was the sheriffs up at the county, it was  
24 the sheriffs and stuff up at the county and stuff,  
25 they knowed about it, you know. You know, they knew

1 about it when it went down, you know, you know, it  
2 went down, wasn't going to speak on it, you know. You  
3 know, it went down. When I was trying to get them to  
4 speak on it and wouldn't nobody speak on it.

5 Q. So did he pick you up and put you back in the chair?

6 A. Yeah.

7 Q. Did he keep doing that more than one time or --

8 A. No, he did it, did it about twice; he did it about  
9 twice.

10 Q. Okay. Did you change your story at that point or --

11 A. Yeah; yeah. The same, the same thing, the same thing  
12 happened in, the same thing happened in Granville  
13 County. The same, you know --

14 Q. Let's stick with Detective Leathers. Let's stick with  
15 the first story, the first time you told it, first,  
16 okay, just with Detective Leathers there. I mean,  
17 when was it your story went from I don't know anything  
18 about it to I rode with them over there and acted as a  
19 lookout?

20 A. No, because, because I done said that -- I said to  
21 myself, I won't be able to get through until, until I  
22 went in front of the judge when I went to court, you  
23 know. When they, when they carried me to court, you  
24 know, to have my hearing, you know, that's when I say,  
25 you know, you know, you know, what had happened.

1 Q. So did you make up the story about what happened over  
2 in Butner or did Leathers make it up?

3 A. Leather made, made it up.

4 Q. You made it up?

5 A. No, the detective made it up.

6 Q. The detective made it up?

7 A. Yeah.

8 Q. Did he tell you what he was writing down?

9 A. No. You know, you know, you know, he read something  
10 off, you know. He read, you know, he done read it off  
11 and, you know, you know, so he told me, told me, said  
12 that you sign here and you sign here or else. So, you  
13 know, so I, so I was tired of that so, you know, I, so  
14 I, you know, I signed. But when I went to court, when  
15 I went to court, you know, when they had my hearing,  
16 you know, that when I told them, told, I told, told  
17 the court, you know, what happened.

18 Q. You told the court that was not true then?

19 A. Yeah.

20 Q. Did he tell you all the parts of the story so you  
21 could tell your lawyer and other people this false  
22 information, is that what you're saying?

23 A. Yeah, he told me and said I supposed to, I supposed to  
24 been, I supposed to been a lookout man. I supposed to  
25 been, I supposed to been a lookout man. I supposed to

1           been, I supposed to been in the car, you know. I  
2           supposed to been in the car while they went in or  
3           something. He put, he put me as being the lookout  
4           man.

5           Q.    Okay. And you went with that story after that when  
6           you were talking to other officers and your lawyer, is  
7           that correct?

8           A.    Yeah. The, the, the only lawyers I, the only lawyers  
9           I ever talked to after then -- see, it wasn't, it  
10          wasn't no but three people that would talk to me, that  
11          was Lorenzo Leathers and the two SBI officers. I  
12          believe one of the SBI officer's name was Joseph  
13          Momier, or something. And them, them the, them the  
14          only three people that I can recall ever talking to.

15          Q.    Do you remember changing your story a little bit after  
16          that to say that somebody else was the lookout man?

17          A.    No.

18          Q.    Do you ever remember saying Mike Watkins was the  
19          lookout and he's the one that told you about  
20          everything that happened and that's where you got the  
21          story from?

22          A.    No.

23          Q.    You say you never told that?

24          A.    No.

25          Q.    Okay. Do you remember saying you previously saw

1 Mr. Perry with a large .22?

2 A. No, sir.

3 Q. And you never indicated to any of the officers that  
4 Mike Watkins told you about the robbery?

5 A. No, sir.

6 Q. Do you remember talking to the DA, Mr. Waters, at some  
7 point, the assistant DA, the prosecutor in the case  
8 and changing your story at that point?

9 A. No, I, I can't, I can't even remember talking to the  
10 DA, you know, you know, you know. The only time I  
11 recall hearing anything the DA say, you know, was at,  
12 was at court, you know, you know, when I had my trial.

13 Q. The DA would have had like big old kind of thick  
14 glasses. Do you remember talking to a man like that?

15 A. You say his was what?

16 Q. Waters; David Waters.

17 A. Okay.

18 Q. He's the one that supposedly maybe made some kind of  
19 talk about immunity if you would testify.

20 A. You know, I don't remember, you know, you know, I don't  
21 remember his name. It might have been, it might have  
22 been the one that came to me and tried to get me --  
23 somebody came to me and tried to get me to testify  
24 against, tried to get me to testify against Joe Perry.

25 Q. Okay.

1 A. And, you know, I don't know, I don't know that the,  
2 what the DA or not. I done told that I can't do that  
3 because, you know, because if I did that, I would be  
4 lying, you know, I would be lying, because I never  
5 seen Joe Perry, I ain't seen him rob no people or shoot  
6 nobody.

7 Q. Did you ever tell the DA or anybody else close to the  
8 trial or right about the time of the trial or any  
9 hearing that you had, the previous stories you had  
10 told about the Butner incident were not true, that  
11 Detective Leathers had not tried to get you to lie  
12 about the case; did you ever tell anybody that?

13 A. No; no.

14 Q. Did you ever tell anybody that you were riding around  
15 with a subject named Robert Williams?

16 A. Robert Williams?

17 Q. None of that sounds familiar?

18 A. (Witness does not respond.)

19 Q. Going to a pool room in Butner?

20 A. No. I don't, I don't, I don't recall. I don't, I  
21 don't recall the name as a Robert Williams. I had  
22 never been to Butner before, before then.

23 Q. Do you remember saying you tried to catch a ride back  
24 to Durham with Perry, Willis, and Frazier?

25 A. No.

1 Q. And that you left the pool room and went outside to  
2 find them?

3 A. No.

4 Q. When you walked in front of the Food Mart convenience  
5 store you looked in the window and you saw Joe Perry,  
6 Albert Willis, and BooBoo Frazier in the store in the  
7 act of perpetrating an armed robbery?

8 A. No.

9 Q. When you looked in you saw Joe Perry shoot the  
10 manager, and that all three ran out of the store. You  
11 were afraid when they came out, they did not speak to  
12 you, you didn't speak to them. You went and got into  
13 Perry and Willis's black Cadillac, which was parked  
14 down the road from the store and beside the store, and  
15 that you rode back to Durham with them.

16 A. No.

17 Q. You never remember telling that --

18 A. No, sir.

19 Q. -- to anybody?

20 A. No, sir.

21 Q. What were you supposed to do as the lookout? I know  
22 you're saying you weren't the lookout, but what was  
23 the signal that Leathers told you you were supposed to  
24 be giving if somebody was coming?

25 A. He didn't say. If he did, if he did, I can't, I can't

1 recall.

2 Q. Okay, Mr. Womble, thank you.

3

4 **EXAMINATION BY MS. SURGEON**

5 Q. Mr. Womble, right here; right here. Do you have any  
6 idea why Detective Lorenzo Leathers asked or targeted  
7 you to be the one to say that you were the lookout?

8 A. I don't know, you know, you know, I really don't know  
9 why, you know. I really don't know why because, you  
10 know, you know, you know, you know, Lorenzo Leathers,  
11 you know, he, you know, you know, you know, he had  
12 picked me up a numbers of time in Durham and stuff,  
13 you know, different charges and stuff, and stuff, you  
14 know. So, so when he got me, you know, you know, I  
15 don't, you know, I don't know why he target me, you  
16 know, you know, you know, to do this.

17 Q. Had he ever mistreated you before?

18 A. No, ma'am. That's -- you know, you know, you know,  
19 nothing, you know, nothing like that, you know, you  
20 know. He had, you know, he had arrested me a few  
21 times and stuff. But as far as, you know, but as far  
22 as going there, you know, something like that, you  
23 know, you know, he had never, you know, you know, he  
24 had never pulled nothing like that before. He had  
25 never done that, no, you know, not to me. So, you



1 know, I always think, you know, I always think, you  
2 know, you know, I always said, you know, which I think  
3 that, that he did this to get Joe Perry, because I  
4 feel like that, you know, they wanted Joe Perry off  
5 the street so bad at the time that they know that I  
6 used to be close, me and Joe Perry had been close  
7 friends at one time. So, you know, they are going to  
8 use me, you know, to try to help, you know, help get  
9 him.

10 Q. At any time when you were at the same camp that  
11 Mr. Joe Perry was located at did the two of you ever  
12 talk about the fact that he knew that you were not  
13 involved?

14 A. Well, he had, well, he had told -- which he had told  
15 some people, which he had, which he had told some  
16 people and stuff, because, you know, like I say, you  
17 know, we had been on camp, you know, we had been on  
18 camp before together and stuff, but we really, you  
19 know, we really never directly, you know, talked to  
20 each other because really, you know, for a while, you  
21 know, I was mad at him. For years I was mad with him  
22 and for years, you know, you know, you know, he was  
23 mad, mad with me and stuff, you know. That's why they  
24 kept us off the camp. That's why, you know, they  
25 really tried to keep us off the camp, you know, you

1 know, together and stuff.

2 But, but as far as, you know, but as far as,  
3 you know, directly, you know, but far as, you know,  
4 directly ever, you know, talking to, talking about  
5 this case, you know, when it went on, you know, I  
6 would say no, until, until he told me, I believe four  
7 or five years ago we was up there, that was the last  
8 time we was on the camp together. We was up there  
9 waiting, you know. He came, you know, he came to me,  
10 said that I know, you know, you know, you know you  
11 done all this, you know. He told, told me, said that,  
12 you know, you know, he told me that that, that, you  
13 know, he was going to tell the truth, said he would  
14 tell the truth. So, you know, I really -- you know, I  
15 heard him, but really, you know, I didn't, I didn't  
16 pay it no attention, you know, I really didn't pay it  
17 no attention till a few years later, you know, the  
18 Innocence Inquiry Committee, you know, gotten in  
19 contact with me, or something like that. Because I  
20 was saying that, you know, because I always saying,  
21 said to myself, you know, after he told me that, you  
22 know, you going to tell the truth, you know, you  
23 should have did this, you know, years ago, you know,  
24 not 35 or 36 years later, you know.

25 Q. When you met with your lawyer did you ever say to your

1 lawyer that the statement that you signed was not of  
2 your own free will and that you were forced to sign  
3 it?

4 A. Yes, ma'am. Yes, ma'am. And, and they gave me, and  
5 they, and they gave me a polygraph. And they, they  
6 had the people come down to Granville County Jail and  
7 gave me a polygraph. I passed, you know. I, you  
8 know, I passed the polygraph, but some kind of way we  
9 went to court, you know, some kind of way we went to  
10 court -- my lawyer brought it up, you know, my lawyer  
11 brought it up. But some kind of way, you know, it had  
12 got missing, you know, it had got missing and, you  
13 know, and, you know, they wouldn't, you know, they  
14 wouldn't give it to me again; they wouldn't give it to  
15 me again, and stuff.

16 Q. Thank you.

17

18 **EXAMINATION BY MR. SMITH**

19 Q. In December 1975 when Mr. Leathers was questioning you  
20 were you able to write your name?

21 A. Was I able to write my --

22 Q. Could you write your name?

23 A. Yes, sir.

24 Q. You had been able to write your name for a long time,  
25 had you?

1 A. Yes, sir.

2 Q. But could you write sentences?

3 A. No, sir.

4 Q. You just knew how to write your name?

5 A. Yes, sir.

6 Q. And when Mr. Leathers was talking to you, did he give  
7 you a lot of detail that he wanted you to say about  
8 what happened that night? Like, for example, did he  
9 say that Perry had a blue and red handkerchief tied  
10 together around his neck? Where did that come from?

11 A. I, I never, I never heard anything about a blue, a  
12 blue and red handkerchief.

13 Q. Did you tell Mr. Leathers that BooBoo drove over to  
14 Butner?

15 A. No, sir.

16 Q. Did Mr. Leathers tell you that BooBoo drove over to  
17 Butner?

18 A. No; no.

19 Q. Did Mr. Leathers give you a lot of information about  
20 what he believed must have happened that night?

21 A. The only thing that I know, he done said that, he done  
22 said that it supposed to been, he said, he done said  
23 it was me, Joe Perry, BooBoo, and Michael Watkins, and  
24 if I ain't mistaken, it's somebody else. And he done  
25 said that I supposed to be, he done said that I

1 supposed to been the lookout man. He done said that I  
2 supposed to been, you know, he done said I supposed to  
3 been the lookout man. He kept on saying that I, I  
4 know, you know, you know you were the lookout man, and  
5 all that.

6 Q. Well, did he tell you who told him that you were the  
7 lookout man?

8 A. No, sir.

9 Q. Do you know where he got all his information about the  
10 red handkerchief and so on?

11 A. No, I sure, I sure don't.

12 Q. Now, did you say that he threw you down on the floor?

13 A. Yeah.

14 Q. Was he by himself or did he have other people?

15 A. No, he was, he was, he was by hisself; he was by  
16 hisself in at Durham that time when he talked to me.

17 Q. Were you handcuffed when he did that?

18 A. Yeah.

19 Q. And he did it more than one time?

20 A. He did it two, he did it twice or three time; two or  
21 three time.

22 Q. Now, before you signed your name, Willie Henderson  
23 Womble, did he read that statement to you?

24 A. Yes, yeah, yeah, yeah, he done, yeah, yeah, yeah, he  
25 done read it; yeah, he done read it. But, but what

1           you saying about that on there right now, that, that,  
2           that, what I'm hearing now, what I'm hearing now,  
3           that, that wasn't, you know, that is not what, you  
4           know, I was hearing, you know. I didn't hear that  
5           when he was reading the statement he had in his hand.

6           Q. Well, what did you hear when he read the statement?

7           A. I was hearing when he read, read the statement, the  
8           statement, that I drove to Butner with Joe Perry and  
9           them and that I stayed in the car while they went in  
10          the place, that I stayed, I stayed outside, I stayed  
11          outside. I was the lookout man and all, you know, and  
12          things, you know, things of that nature there.

13          Q. Did you tell him that you got \$20 for being the  
14          lookout man?

15          A. No, sir. No, sur.

16          Q. You got any idea where that came from?

17          A. No, sir.

18          Q. You signed the statement, though, didn't you, saying  
19          that you were the lookout man, that you were with Joe  
20          Perry; you signed that statement saying that, didn't  
21          you?

22          A. Yes, sir.

23          Q. Now, a good while later when Mr. Waters tried to get  
24          you to take immunity and testify against Joe Perry,  
25          you had the courage to tell him you wouldn't do it,

1 didn't you?

2 A. Yeah; yeah.

3 Q. But why didn't you have the courage to tell him you  
4 wouldn't sign this piece of paper?

5 A. No, because, because, because at the time, at the time  
6 that Lorenzo Leathers and them came to me, I was being  
7 jumped on. I was standing and I was being jumped on.

8 Q. Did anything happen to you other than being thrown  
9 down on the floor? That's enough, but did something  
10 else happen? Did they hit you?

11 A. Huh?

12 Q. Did he hit you?

13 A. No.

14 Q. How many brothers and sisters do you have, sir?

15 A. Well, I have, I have five sisters and two brother.

16 Q. And you got burned as a child, didn't you?

17 A. Yeah.

18 Q. And you got burned twice?

19 A. Yeah.

20 Q. What was the first burning that happened to you? How  
21 did that happen?

22 A. I was about, I think, because I knew I was about, I  
23 knew I was about, about, probably about, about seven,  
24 eight year, years old then at that time.

25 Q. And was that with hot water?

1 A. Yes, hot water or fire or something, I can't recall.

2 Q. Okay. You don't know for sure?

3 A. Yes, sir.

4 Q. Thank you, Mr. Womble.

5

6

**EXAMINATION BY MS. THOMPSON**

7 Q. Mr. Womble, you said that the night or the day that  
8 they picked you up in December you had been drinking?

9 A. Yes, sir.

10 Q. So had you been drinking a lot?

11 A. No, not, not a whole lot.

12 Q. But you would consider yourself probably a little bit  
13 buzzed or drunk or something like that, right?

14 A. Yes, ma'am.

15 Q. So they take you into the jail?

16 A. Yeah.

17 Q. How long were you in the jail being questioned, do you  
18 remember? How long did they question you before you  
19 signed that paper?

20 A. I know, I know when they, I know when they first  
21 picked me up, I know, I know when they first picked me  
22 up they carried, they carried me over in the jail,  
23 they locked me up. They locked me up for a couple  
24 hours because I didn't, I didn't have no idea, you  
25 know. I thought I was being arrested for something



1 else. So the bondman didn't never come up there. And  
2 then about, about two hours later, about two hours  
3 later I know the two SBI officer and them, and after  
4 Lorenzo Leathers left, after Lorenzo Leathers left  
5 talking to me, then they put me back round. And then  
6 after then, you know, that when two SBI officer came,  
7 they came and talked to me.

8 Q. But when Detective Leathers was questioning you alone,  
9 and between that and you signing the paper, had a lot  
10 of hours gone by? Did it go from light to dark  
11 outside, do you remember? Was it lots and lots of  
12 hours between --

13 A. No, ma'am.

14 Q. -- before you signed it?

15 A. No, no, we weren't there -- no, no, ma'am, it wasn't,  
16 it wasn't no many hours that went by.

17 Q. So it didn't take long before you signed it or did it  
18 take a long time before you signed it?

19 A. No, it didn't take long.

20 Q. And when you say jumped on you, what does that mean?

21 A. Like, like, like I'm sitting here now, you know, like,  
22 like push me on the chair, you know, like push me on  
23 the chair, like push me on that chair saying, saying  
24 that, you know, I'm going to say it is, you know, you  
25 know, you know, you know, you say this, you know,

1 know, you know, you say this or you say that or this  
2 right here, you know.

3 Q. Was that scary? Was it confusing?

4 A. Yes, ma'am.

5 Q. So lots of things were happening and it was really  
6 hard for you to figure out what was really happening?

7 A. Yes, ma'am.

8 Q. If Detective Leathers had read to you anything, would  
9 you have been able to know that what he was reading  
10 was what was on the paper or could he have just  
11 started reading things and you wouldn't have known?

12 A. I wouldn't have known.

13 Q. You wouldn't have known what he was reading, so you  
14 just assumed what he was reading and what he was  
15 saying was the same thing, is that right?

16 A. Yes, sir. Yes, sir.

17 Q. And you talk about they offered you a plea and you  
18 said you wouldn't plead to something that you hadn't  
19 done.

20 A. Yes, ma'am.

21 Q. What did they offer you? Did they offer you a time  
22 cut? Did they --

23 A. No, no, they were telling me that, you know, I could  
24 get, you know, a lesser time or something, or  
25 something like that, you know, if I testify, you know,

1 against Joe Perry saying that, you know. And when I  
2 told, told them I couldn't do that because, you know,  
3 I couldn't, you know, I couldn't testify against a man  
4 when I ain't know nothing about, you know, what had  
5 happened, you know. No way I could get up on the  
6 stand and say, you know, I seen this man rob this  
7 business or shoot somebody when I know, you know, you  
8 know, ain't never seen the crime, you know. I  
9 wouldn't, I wouldn't want nobody do me like that.

10 Q. Right.

11 A. You know, I wouldn't want nobody do me like that.

12 Q. But if you had done it, that would have been a pretty  
13 good deal, right?

14 A. Yeah; yeah. If I, if I'd of seen him do, if I'd of  
15 seen him do, if I'd of seen him do it, I know what he  
16 done, you know, I'd of said because, you know, ain't,  
17 ain't no way in the world, you know, I could see  
18 myself, you know, doing all the time, you know, for  
19 something, you know, I know that, you know, I know  
20 that he had done.

21 Q. Right. And then I guess my last question is, you talk  
22 about you thought that once you signed the paper, when  
23 you got before the judge they would just figure it  
24 out, they would know the truth, right?

25 A. Yes, ma'am.

1 Q. So is that something that you felt like maybe the  
2 system would get it figured out, that they would  
3 understand the truth?

4 A. Yes, ma'am.

5 Q. And so once you signed it you thought, okay, well,  
6 that's done.

7 A. Yes, ma'am.

8 Q. Now we'll go to court and we'll get the truth out?

9 A. Yes, ma'am.

10 Q. So when you signed it, you just believed that the  
11 system would work?

12 A. Yes, ma'am.

13 Q. Okay. Thank you very much.

14

15 **EXAMINATION BY SHERIFF VAN DUNCAN**

16 Q. Mr. Womble, it says that you were admitted to DOC in  
17 about May of 1977. Does that sound about correct?

18 A. Yeah, that -- well, well, well I, well I first went,  
19 sent to prison in July of '76. That's when I caught  
20 my time. But where they got '77 down now, you know,  
21 that's when, that's when my appeal, that's when my  
22 appeal was denied. So that, they said, well, that  
23 when you start on your actual sentence was in '77.  
24 But I was already locked up.

25 Q. Do you remember talking to anybody when you went to



1 long, do you remember what time you might have went  
2 back down to your sister's?

3 A. Well, we might of, we might of stayed over there, we  
4 might of stayed over there two, we might of stayed  
5 over there about two or three hours; we might of  
6 stayed over there two, two or three hours, I can't say  
7 exact. But I know, I know we were there, I knew we  
8 was there over, over an hour and a half; I know we was  
9 there over an hour and a half.

10 Q. And the next day did anybody stop by your sister's  
11 house and visit with you?

12 A. No, not that I ever recall, nobody.

13 Q. Did Joe Perry and Albert Willis come by your sister's  
14 house --

15 A. No.

16 Q. -- that day about 12:30?

17 A. No. Joseph, Joseph Perry, Joseph Perry, Joseph Perry  
18 didn't know where my sister, where my, where my sister  
19 lived at. She -- he didn't even know where she lived  
20 at.

21 Q. So you never would have made the statement they came  
22 in and you talked with Albert Willis in the bedroom --

23 A. No.

24 Q. -- about what had happened?

25 A. No.

1 Q. Thank you.

2

3

**FURTHER EXAMINATION BY MR. SMITH**

4 Q. In 1975 did you have a driver's license?

5 A. No, sir.

6 Q. Have you ever had a driver's license?

7 A. No, sir.

8 Q. Did you have a car?

9 A. No, sir.

10 Q. Okay. Thank you.

11

12

**EXAMINATION BY JUDGE SUMNER**

13 Q. Mr. Womble, so it's your contention by your testimony  
14 here today that on the day of this murder that you  
15 were at Ms. Walters' house; that's your alibi, is that  
16 right, sir?

17 A. Yes, sir.

18 Q. And your further testimony is that you signed this  
19 confession only to stop Detective Leathers from  
20 assaulting you, is that correct?

21 A. Yeah.

22 Q. And you had no idea what was in the statement?

23 A. No, sir. I know, I know what they said. I knew, I  
24 knew what they saying that was in the statement and  
25 what he read and what he, and what he read to me and

1 had me to sign, you know, you know, it's not the same  
2 thing.

3 Q. Thank you.

4

5 **FURTHER EXAMINATION BY MS. SURGEON**

6 Q. Mr. Womble, do you remember how old you were at the  
7 time this incident happened?

8 A. When I was arrested, when I was arrested I believe I  
9 got, I believe I got something like, I got arrested  
10 something like a week or two before I turned 22, right  
11 before I turned 22. I was 21 when I got arrested, I  
12 think.

13 Q. How far did you get in school?

14 A. No, I was in special ed when I was in school.

15 Q. Okay. How many grades did you go to school?

16 A. Well, regular grades, regular grades, you know, I  
17 can't recall; regular grades, I can't recall.

18 Q. How old were you when you last went to school?

19 A. I was about, I was about 16 or 17.

20 Q. All right. Thank you.

21 JUDGE SUMNER: Any further questions?

22 (NO RESPONSE.)

23 JUDGE SUMNER: Mr. Womble, thank you, sir.

24 You're excused.

25 (MR. WOMBLE IS TAKEN FROM THE CONFERENCE



1 ROOM.)

2 MS. MONTGOMERY-BLINN: Your Honor, we're  
3 going to go into closed session for the victim impact  
4 statement. Would you like to take a morning recess  
5 and give the cameras time to get shut off and all of  
6 that?

7 JUDGE SUMNER: We're going to take a break,  
8 and the portion of this hearing that deals with the  
9 victim impact statements will be a closed hearing.

10 MS. MONTGOMERY-BLINN: Only commissioners  
11 and staff.

12 JUDGE SUMNER: Only commissioners and staff.  
13 All right. Thank you.

14 (THEREUPON, A SHORT RECESS WAS TAKEN FROM  
15 10:53 A.M. THROUGH 11:15 A.M.)

16 MS. MONTGOMERY-BLINN: Okay. We're back in  
17 session. Now we are closed to the public.

18 Mr. Bullock's four children are here today.  
19 They have been watching the hearing on closed circuit TV.  
20 Ms. Stellato and I met with them before and we've had  
21 regular contact with the family since, or leading up to  
22 this hearing. On behalf of the Commission we know that  
23 this is a difficult process for them and we extend our  
24 sympathy to the family. Lois Wall and Brent Bullock are  
25 going to give a statement on behalf of the Bullock family.

1 (LOIS WALL AND BRENT BULLOCK ENTER THE  
2 CONFERENCE ROOM.)

3 MS. WALL: Good morning.

4 COMMISSIONERS: Good morning.

5 MS. WALL: I don't know if you guys -- can  
6 you hear me on my mic? Okay, this is going to be tough for  
7 me, I'm going to tell you guys, so you may have to be a  
8 little patient with me. My name is Lois. I'm the child  
9 that was involved the night of the murder that was in the  
10 store with my father. On behalf of my family, first, I  
11 want to say thank you to each of you for your work on this  
12 case. Thank you particularly to the two of you for  
13 preparing a lot of this work. I know a lot of this was  
14 done by the two of you getting all this ready, and we thank  
15 you tremendously for all that work and preparation for all  
16 of this, this was done. Thank you in particular for your  
17 hospitality and for your graciousness over yesterday and  
18 today, for keeping us comfortable through this process. We  
19 appreciate that a lot.

20 I think the first thing I want to do is I  
21 actually want to take this picture of my father and I'm  
22 going to pass this around. I know today, sitting in that  
23 room watching the video, this seems like it's been very  
24 impersonal. We've been talking about a lot of facts, you  
25 guys have been talking about a lot of facts and things that

1 have been presented that seem like they have been very  
2 impersonal. And today, what I want to do is bring a  
3 personal touch of that for you guys to see who we've  
4 actually been talking about for the last two days, which  
5 has been our father, so that you can understand the impact  
6 of who we've been talking about for two days. And I want  
7 you to see what this gentleman looks like, and I wanted you  
8 to see what I looked like so if you could understand who  
9 that person was behind all of this tragedy that we've been  
10 talking about for two days. So I'm going to take this  
11 picture and pass it around. And my father's name was Roy  
12 Brent Bullock, so that all of you know. I know you have  
13 probably a lot of stuff in front of you that we haven't  
14 been able to see so that you can understand who he was,  
15 what he looked like.

16 (THE PHOTOGRAPH IS PASSED AROUND FOR ALL  
17 COMMISSIONERS TO EXAMINE.)

18 MS. WALL: So the picture you see in front  
19 of you is a picture of my father that he was at the age he  
20 was when he was killed. And this is what he looked like  
21 most of the time, what he looked like to us, what he looked  
22 like in the community. And he was in the National Guard,  
23 and he wore that white shirt and he wore those Army  
24 fatigues a lot. And this is how the community knew my  
25 father, and that's what I remember the most about him.

1 There's not a lot that I remember about my father because  
2 my memory, I got to tell you, was wiped out. This is where  
3 it's going to get hard for me.

4 I don't remember a lot about my father  
5 thanks to Joseph Perry. The hard part of what watching  
6 yesterday in Joseph's testimony for me was to watch a man  
7 give the details and sit in this chair and talk about  
8 describing things that he did and talk about his life as  
9 though what he did was a profession, and talk about it so  
10 callously yesterday. And that's what I thought struck me  
11 so odd listening to him. You know, I've tried to think  
12 about what it would be like to prepare this statement and I  
13 couldn't do it until yesterday, and then I started to form  
14 things in my mind and what it would look like and how I  
15 would talk to you guys and what it was I needed to say to  
16 you. And that was what was so hard, trying to figure out  
17 what would I say to you, what did you need to hear from me.

18 What I need you to hear from you is what  
19 it's like to be the victim of crime. And first of all, I  
20 appreciate what all of you do every day because I can't  
21 imagine how hard it is to do what you do every day is to  
22 sit and listen to these facts over and over and over all  
23 day long and just try to process facts like this of a case.  
24 But what you don't hear from families, or I guess you do  
25 hear from families because you hear from people like me.

1 But you don't understand what it's like to be on the end of  
2 these crimes day in and day out for ten years later, twenty  
3 years later, thirty years later, forty years later, and to  
4 deal with the fallout of these kinds of crimes. And what's  
5 clear to me is people like Joseph Perry don't either.

6 You know, we're here talking about Willie  
7 Womble and what's going to be the impact of this hearing in  
8 his life. The disturbing part in most of it is that I  
9 could sit and get through this testimony of Joseph Perry,  
10 but this morning I couldn't get through it with Willie  
11 Womble. And at the end of the day my family is going to  
12 want the right thing to happen at the end of this hearing.  
13 It's, the outcome has to be the right thing. Whatever that  
14 right thing is, it's got to be the right thing, and it  
15 doesn't matter.

16 It upset me terribly this morning when I  
17 heard Willie Womble's testimony. It would upset all of the  
18 family members to know that the wrong thing was done by a  
19 man regardless how that happened. That's -- I, I can't even  
20 stomach that; I just can't even stomach it to know that it  
21 happened. But the worst part of that is to know that we  
22 wouldn't even be here today if another man hadn't died and  
23 that Joseph Perry come forward with that information, that  
24 he would just let a man sit there and take the fall for  
25 something if another man hadn't died. How do you do that?

1 How does another human being do that? And the worst part  
2 of that is to hide behind, I'm a man of my word. I don't  
3 even know how you let that come out of your mouth. To  
4 watch the dynamics of a man sit here and describe that kind  
5 of thing and rectify that in his mind, I can't even process  
6 that as a human being, how you do that; I just can't, I  
7 can't do that.

8 It's a difficult thing to live this and  
9 watch it behind the glass doors, as a child being 13 years  
10 old to watch this happen the first time. To watch your  
11 father killed, to watch another man take his life, but then  
12 to sit here and watch him talk about it like it's a  
13 profession and talk about how he brings other people along  
14 and teach them and talk to them about how to do it, and do  
15 it to a man who's better off than a man who's not better  
16 off, and talk about those dynamics and then talk about how  
17 he's going to help crime in Durham by getting out and doing  
18 things that are right, and how he's going to fix that, I'm  
19 not even sure I understand that. I can't even, I can't  
20 process it. I'm sitting here trying to rectify it, process  
21 it, rationalize it. I just don't understand where he's  
22 coming from. But the problem with that is that I'm trying  
23 to, I'm trying to look at it from a rational person's mind,  
24 and he's not a rational person. And so you have to take a  
25 step back and understand that you can't look at it through

1 the same eyes, and I, I get all that and I've processed all  
2 that and sorted that out at the end of the day by  
3 yesterday.

4 And then it brings today and I listened to  
5 Willie. And I look at that and then that's a whole other,  
6 other dynamic that I have to process. And I'm like, this  
7 is just too much, really, for a family to have to process.  
8 What I need to be able to process is the fact that my  
9 father died. My father died at the hand of somebody else's  
10 choice. Then my family has to make choices in their life  
11 that we had to deal with because somebody else chose to  
12 take his life. This is not our choice, this was somebody  
13 else's choice that they made that they gave to us because  
14 we didn't, we didn't do this. That's the hard part.

15 I guess the good in all this is that because  
16 this has come back to light, you know, maybe some good can  
17 be done for somebody else, if that's what the decision ends  
18 up being at the end of this. I don't know what's going to  
19 happen as a result of that. We have to trust all of you to  
20 make those decisions because you're the professionals here  
21 that have to do that, and we trust that.

22 What happens with Albert Willis, I don't  
23 know. I don't know what happens there, you know. He's a  
24 man who is not here. That's not up to us to decide. God  
25 has to rectify that. We have a strong faith in our family

1 and we'll trust that God will rectify that. That's His  
2 job. We know He'll take care of that. There's nothing  
3 else can be done there. We can't fix that.

4 But what I'm going to tell you is that it's  
5 a shame for our family that there's been a lot of  
6 milestones that we've missed because somebody else took  
7 that choice away from us. You know, we missed things like  
8 our 16th birthday, missing things like having your father  
9 at your wedding, having him at your prom, having him do  
10 things like help you buy your, you know, your first car,  
11 things like that that you need your father for, you need  
12 things for support. For me it was, it was a traumatic time  
13 in my life. I went from being a 13-year-old child right  
14 into being an adult. If you think that won't catapult you  
15 right to being an adult, I'm here to tell you you're wrong.  
16 It will. I turned into an adult that night; that night.  
17 It was a very different time for me and I've been trying to  
18 recover from it ever since, I'm trying to still recover  
19 today from that night. It will never ever be the same for  
20 me, trying to recover from that. There's no way, there's  
21 no amount of time that can heal me from what I went through  
22 that night. I don't even know how to describe what I went  
23 through that night.

24 I'm just kind of -- you know, if there's  
25 anybody that has any questions about anything from that,



1 you know, I'm happy to answer any of those questions. But  
2 I'm just not sure what else I can say to that other than it  
3 strikes me as odd to watch Joseph Perry and what I saw him  
4 say and what I saw him do and the dynamic in watching him.  
5 And that testimony was very fascinating to me. Clearly  
6 he's got an objective, clearly he's got an agenda. It was  
7 an interesting thing to watch him yesterday. But what  
8 concerns me is what Joseph Perry thinks he's going to gain  
9 from all of this because I clearly think he's got something  
10 to gain. That was clear to me yesterday. But I have a  
11 bigger concern, I guess, for Willie Womble. But at the end  
12 of the day I think the message from me and my family is to  
13 make sure that the right thing happens, that the right  
14 ,thing happens at the end of the day today. And I think  
15 that's probably our message here.

16 The one thing I think is clear for me is I  
17 know I've forgiven Joseph Perry for what he's done, I've  
18 made my peace with this, and I thank God for His abounding  
19 grace that He's shown to me and my family. That does not  
20 believe, I don't think, that people should not be held  
21 accountable for what they've done in life and there's a lot  
22 more to Joseph Perry than what meets the eye. But it's not  
23 up for me to make the right wrong, that's up to God and  
24 that's what God's plan is and that's what God will do. I  
25 can't fix that.

1 MR. BULLOCK: I'd like to thank you for what  
2 you've done. You've been very professional with us and  
3 helped us very much. I'd like to thank all of the staff  
4 because this is more professional than any day that was in  
5 court when this all was going on, because I remember it  
6 all. And he took away not only the life of my dad, he took  
7 away my grandfather's life and my mom's life, because they  
8 quit living. But she's gone through a lot of adversity  
9 over the years and it's kind of tough to see your sister go  
10 through that. But the main thing about Mr. Womble's life  
11 is that I feel like he got shortchanged no matter about the  
12 crime, because this man has struggled his life. He seems  
13 like he's always got the short end of the deal, and he  
14 still seems like he's getting the short end of the deal  
15 because I don't see where he's got a little bit more  
16 educated than he was in the beginning.

17 I grew up not being the most smartest man in  
18 the world, so I think he needs an opportunity to at least  
19 become a little bit better than he was, because I know what  
20 that's like and I know what -- I was accused one time of  
21 being, doing something wrong that I didn't do, and I know  
22 what that feels like. That's a bad feeling, especially  
23 when no one listens. I know he said that he signed some  
24 things that he didn't know about, and you do things like  
25 that because you can be coerced when people are talking to

1 you with authority, and I think this is what happened to  
2 him. Whether he's innocent or guilty, I don't know. As my  
3 sister said, the Lord will take care of that because He  
4 fixes all things, because He has sustained us through a  
5 lot.

6 And so, you know, I hope that, you know, you  
7 can rest assured what you've heard and what you believe,  
8 and by what I've seen, by what I've listened to, the  
9 questions that you people ask, I didn't have a lot of  
10 credibility for the judicial system over the years, but I  
11 do now from you people because I see that you're  
12 professional in what you're doing. And it's good to see  
13 because so many things are not going right anymore in this  
14 world, but this is one time that I think things have gone  
15 in a positive direction and I think something good will  
16 come out of this. And I'd like to thank you very much for  
17 that.

18 JUDGE SUMNER: On behalf of the Commission,  
19 I want to thank you both for being here today, and to your  
20 entire families from the Commission and the entire staff,  
21 we offer our deepest sympathy and condolences to you.

22 MS. WALL: Thank you.

23 (MS. WALL AND MR. BULLOCK EXIT THE CONFERENCE  
24 ROOM.)

25 MS. MONTGOMERY-BLINN: The hearing is

1 reopen. I think the media had indicated that they wouldn't  
2 bother with coming back in, the cameras wouldn't, but just  
3 in case, I'm going to go ahead and open that door for just  
4 a minute in case anybody wanted to come in that's out  
5 there.

6 (MS. MONTGOMERY-BLINN OPENS DOOR TO  
7 CONFERENCE ROOM.)

8 MS. MONTGOMERY-BLINN: Thank you all for  
9 your patience and attention during these last two days.  
10 You are now asked to decide whether you conclude that  
11 there's sufficient evidence of factual innocence to merit  
12 judicial review. Because this conviction resulted from a  
13 trial, your vote will be by majority. You may decide that  
14 there is sufficient evidence and the case will be referred  
15 to a three-judge panel, you may decide that there is not  
16 sufficient evidence and the case will be closed, or you may  
17 instruct the Commission staff to continue the investigation  
18 and reconvene the hearing at a later date. This is the  
19 standard of review, sufficient evidence of factual  
20 innocence to merit judicial review, and I will leave this  
21 slide up as you deliberate in case you need to look back at  
22 it. And this is the end of the evidence being presented  
23 for the Commission, and I'll turn it over to you, Judge  
24 Sumner.

25 JUDGE SUMNER: All right. I think we're

1 going to, at this point, have a working lunch. I believe  
2 meals were brought in. And of course Ms. Thompson and  
3 Sheriff Duncan, in order to get you fed, I don't mind us  
4 sort of eating first and reserving our comments while we  
5 eat, and then once you finish your meal we'll start our  
6 deliberations, if you'd like to stay.

7 SHERIFF VAN DUNCAN: I am probably going to  
8 go ahead and depart, I've got about a four or four-and-a-  
9 half hour journey ahead of me. But I do want to make the  
10 comment that I'm honored to serve with this group of  
11 individuals. Being able to be a part of this makes me  
12 better at what I do when I go back home, and I appreciate  
13 that opportunity.

14 JUDGE SUMNER: Thank you.

15 MS. THOMPSON: And I'll probably go on home  
16 also so that you guys can start your deliberation and maybe  
17 you all can also get home a little bit earlier, too. And I  
18 am -- well, as a victim, I am uniquely honored to be here  
19 and to have just witnessed what I have witnessed. I have a  
20 unique perspective for what just happened in the last two  
21 days, so they know that I -- this is such an honor for me  
22 to be here. All of you bring such, you know, a wealth of  
23 knowledge and expertise, too. This is so important; this  
24 is so important, such important work. And so thank you for  
25 not only doing the work you do, but for allowing me to be a

1 part of it. It helps me a lot.

2 JUDGE SUMNER: Well, thank you, and I'll  
3 tell you that your presence, both of you, and your input  
4 has made the Commission so much better. I thank you.  
5 Travel safely and take a boxed lunch, okay?

6 (THEREUPON THE PROCEEDINGS WENT OFF THE  
7 RECORD FROM 11:35 A.M. THROUGH 12:33 P.M.)

8 JUDGE SUMNER: This hearing of the matter of  
9 Granville County, State of North Carolina versus Willie  
10 Henderson Womble, File 75-CRS-06128 is now resumed. The  
11 Commission having deliberated this matter, after carefully  
12 reviewing this evidence the Commission has concluded by  
13 unanimous vote that there is sufficient evidence of factual  
14 innocence to merit judicial review. Therefore, pursuant to  
15 North Carolina General Statute 15A-1469(a) and as Chairman  
16 of the Commission, the undersigned refers this case to the  
17 Honorable Robert H. Hobgood, Granville County Senior  
18 Resident Superior Court Judge, and respectfully request  
19 that the Chief Justice of the North Carolina Supreme Court  
20 appoint a three-judge panel and issue commissions to its  
21 members to convene a special session of the Superior Court  
22 from Granville County to hear evidence relevant to the  
23 Commission's recommendation. This the third day of June,  
24 2014, signed by Chair, Quentin T. Sumner.

25 Let me take this opportunity to thank

1 Ms. Montgomery-Blinn and the entire Commission staff for  
2 the hard work and diligence that you've put forth in this  
3 matter. I also want to thank the individual members of  
4 this Commission for your time, your efforts, and your  
5 energy in this matter. And this matter is now concluded.  
6 Thank you.

7 (THEREUPON, THE HEARING CONCLUDED AT  
8 12:35 P.M.)

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

I, Ira Anderson, do hereby certify that the foregoing hearing was taken and transcribed by me; and the foregoing 94 pages constitute a true and accurate transcript of the testimony of the said witnesses.

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

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

This the 22nd day of June, 2014.

\_\_\_\_\_  
 Ira Anderson  
 Notary Public No. 19973380004