

North Carolina Innocence Inquiry Commission Brief for

State v. Willie Henderson Womble

Granville County 75 CRS 6128

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I. Format for Brief and Hearing

On June 2 and 3, 2014, the North Carolina Innocence Inquiry Commission (“Commission”) will conduct a hearing in this case. By statute, hearings are presumed closed, but may be opened by the Commission Chairperson.¹ A court reporter will be present at the hearing and if the Commission decides to refer the case to a three-judge panel, all documents considered by the Commission and the transcript of the proceedings shall become public record.²

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully review it in preparation for the hearing. The brief covers information about the case available prior to the investigation by the Commission staff. The hearing will focus on evidence uncovered during the Commission’s investigation. The Commission has subpoenaed witnesses for this hearing.

Due to the large volume of attachments, this brief is formatted to be read from start to finish with the attachments inserted directly into the body of the brief.

As always, the Commission will be asked to consider the following options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c).
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted person would be disclosed to him and his attorney pursuant to N.C.G.S. § 15A-1468(d).
3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date.

¹ N.C.G.S. § 15A-1468(a) and NCIIC Rules and Procedures Article 6(D).

² N.C.G.S. § 15A-1468(e).

II. Hearing Witnesses

The following people are expected to be called to testify for the June 2 and 3, 2014 hearing:

- Willie Womble, Claimant
- Joseph Perry, Co-defendant
- Shirlyn Walters, Alibi Witness
- James Frazier, Co-defendant
- Sharon Stellato, Commission Associate Director

III. Introduction to the Case

On November 18, 1975, Roy Brent Bullock and his 13 year-old daughter, Lois "Doodles" Bullock were working at the Food Mart in Butner, NC. At approximately 9:30 p.m., Mr. Bullock was at the cash register and his daughter was in the walk-in cooler. Miss. Bullock heard a shot and saw two black men at the front of the store. One had a gun pointed at her father. She saw fire from the gun and heard two shots. Both men fled the store and Miss. Bullock did not look outside.

Mr. Bullock was shot three times and died at the hospital. When the first officer arrived at the store, Mr. Bullock indicated that two black men had shot him, but he did not know who they were. Miss. Bullock gave descriptions of both men, but was unable to identify either man.

On December 7, 1975, Willie Henderson Womble (Womble) was questioned at the Durham County Jail about an unrelated case. During this questioning, Womble signed a confession stating he was involved in the Butner homicide with Joseph Perry (Perry), Albert Willis (Willis), and James "Boo Boo" Frazier (Frazier). The confession stated that Womble was given \$20 to act as the look-out. Five days later, Womble later recanted the confession.

Two weeks prior to the homicide, a man shot a clerk at a convenience store in Durham. The clerk survived and identified Perry as the shooter. A spent shell casing located at the Durham crime scene and a spent shell casing located at the Butner homicide were compared by the SBI. The SBI Firearms Examiner formed the opinion that the shell casings were fired from the same gun.

Womble, Perry, Willis, and Fraizer were all charged with first degree murder and armed robbery. Womble was offered immunity to testify against his co-defendants. At the Probable Cause Hearing, Womble testified that his confession had been coerced and he was not involved in the Butner homicide. The charges against Willis and Frazier were dismissed. Probable cause was found for Womble and Perry and they were later tried separately.

At Womble's trial, his confession was presented. Womble presented two alibi witnesses and he also testified, denying involvement in the homicide. Womble was convicted of first degree murder.

At Perry's trial, the identification by the Durham store clerk and the shell casing comparisons were presented. Perry was convicted of first degree murder.

On April 4, 2013, Perry wrote to the Commission. Perry's letter stated that he had committed the Butner homicide with Willis and Willis had now passed away. Perry stated that Womble was "completely innocent" and asked the Commission to help Womble.

The Commission staff interviewed Womble who claimed to be innocent and applied to the Commission for review of his case. The Commission staff also interviewed Perry and he admitted to being the shooter in both the Durham shooting and the Butner homicide. Perry stated that he was only with Willis during the Butner homicide and Womble was not involved in any way. Perry said he and Willis were driving a black Cadillac Coupe DeVille and Perry may have worn a bandanna or a rag over his face.

The Commission staff has conducted additional investigation and it will be presented at the Commission hearing on June 2 and 3, 2014.

Co-Defendants

Willie Henderson Womble (Womble)	<ul style="list-style-type: none"> - Commission claimant - Height at the time of arrest: 5'10"³ - Age at time of crime: 21
Joseph Lee Perry (Perry)	<ul style="list-style-type: none"> - Now admits to being the shooter and says Womble was not involved - Height at the time of arrest: 6'1"⁴ - Age at time of crime: 21
Albert Willis (Willis)	<ul style="list-style-type: none"> - Charges dismissed - Now deceased - Height at the time of arrest: 5'6"⁵ - Age at time of crime: 21
James "Boo Boo" Frazier (Frazier)	<ul style="list-style-type: none"> - Charges dismissed - Denies being involved in the homicide - Height at the time of arrest: 6'1"⁶ - Age at time of crime: 21

Officers

Officer Nelson T. Williams	<ul style="list-style-type: none"> - Butner Public Safety Department - First responder to the scene - Spoke to Roy Brent Bullock and Lois Bullock the night of the homicide
Detective Lorenzo Leathers	<ul style="list-style-type: none"> - Durham Police Department - Obtained confession from Womble
Detective Tony Roop	<ul style="list-style-type: none"> - Durham Police Department - Involved in the investigation
Agent Joseph Momier	<ul style="list-style-type: none"> - State Bureau of Investigation - Led the SBI investigation

³ State Bureau of Investigation File 150-H-13, Physical Description and Pertinent Data, Bates stamped pages 77-82.

⁴ Id.

⁵ Id.

⁶ Id.

IV. Timeline

Date and Time (if known)	Event / Description
November 5, 1975 11:35 p.m.	Robbery of a Durham convenience store. A female store manager was shot and survived. A shell casing was collected and later matched to the one from the Butner homicide. The Victim identified Perry as the assailant.
November 18, 1975 Around 9:00-9:30 p.m.	Roy Brent Bullock was shot and killed during a robbery of the Food Mart convenience store in Butner. His 13 year-old daughter witnessed the crime and described seeing two black men, one tall and one shorter.
November 18, 1975 9:30 p.m.	Butner Public Safety Officer Williams responded to scene. Roy Brent Bullock said he was shot by two black men, but indicated he did not recognize them.
November 18, 1975 10:30 p.m.	The Butner Food Mart owner used receipts to tally money that was missing from the open cash register.
November 19, 1975 Around midnight	Officer Williams interviewed Lois Bullock at the hospital.
November 19, 1975 12:20 a.m.	Roy Brent Bullock died at hospital.
November 19, 1975	SBI Agent Momier and Officer Williams met with Durham Police Detectives, including Det. Lorenzo Leathers, at the Durham Police Department. They developed five suspects, including Perry, Willis, and Womble. Det. Leathers and Det. Morris stated that Perry and Willis had been pulling armed robberies in Durham and drove a black 1966 – 1968 Cadillac. Womble was reported to be traveling around with Perry and Willis.
November 21, 1975	Agent Momier requested identifying information for Perry and Willis.
November 24, 1975	Perry was arrested on an unrelated armed robbery of a Hardees in Durham and was driving a black Cadillac registered to himself and Albert Willis. Blue bandannas, a stocking mask, and a .22 caliber gun were retrieved from the vehicle.
November 24, 1975	Lois Bullock “viewed” Perry in the courtroom and could not be positive whether Perry was the man who shot her father. Mr. Bullock’s wife and son told police that they knew Perry and he had been in the Butner Food Mart before.
November 29, 1975	A shell casing was located at the Butner Food Mart by an employee and turned over to police.
December 7, 1975 10:45 a.m.	Det. Leathers spoke to Womble. Womble implicated himself, Perry, Willis, and “Boo Boo” in the Butner murder. The statement was handwritten by Det. Leathers and Womble signed it.
December 7, 1975 10:00 p.m.	Det. Leathers informed SBI agents that he had “cleared” the murder. Durham detectives met with SBI agents and relayed the details of Womble’s confession.
December 8, 1975 10:30 a.m.	An Order for Arrest was issued for Perry and Willis. Perry was already in jail and was served with the Order for Arrest the same day. Willis was arrested while in court for another charge. Willis was transported to the Butner jail and declined to make any statements.

December 8, 1975	Agent Momier and Officer Williams met with Womble. It is unclear whether Womble made any statements at this time. Womble's prior confession from the day before was typed and he signed it. A warrant was issued and served on Womble.
December 8, 1975	An SBI Agent collected the shell casing found at the Butner Food Mart.
December 9, 1975	Willis was interviewed "unofficially." He told agents that "Boo Boo" was James Frazier.
December 9, 1975	A black Cadillac Coupe DeVille registered to Albert Willis and Joseph Perry was seized and processed by the SBI.
December 10, 1975	Womble was interviewed by Agent Momier and Officer Williams with his lawyer present. Womble continued to state there was only one shot, they were in a white vehicle, and Perry had on a blue jacket.
December 10, 1975	Frazier was located and arrested. He was interviewed and said he did not know what he was doing on November 18 th . Frazier said his white Ford was not running, he had never been to Butner and did not go with Womble, Perry, or Willis. Frazier said he was watching television on the 18 th and requested a polygraph.
December 11, 1975	Willis was questioned "unofficially" by Agent Momier and indicated that Frazier may have been the shooter. Willis said he would consider talking if he was given absolute immunity.
December 11, 1975	A lineup with Womble, Willis, and Frazier was conducted. Lois Bullock stated that Frazier, Willis, and one other person in the lineup looked familiar, but could not positively identify anyone.
December 12, 1975	Womble was interviewed by Agent Momier and SBI Polygraph Examiner Davenport. Womble recanted his earlier statement and said he had not been involved. Womble said he lied because Det. Leathers had promised to help him in his Durham case and another person had told him the details of what happened.
December 12, 1975	Womble was given a polygraph test by the SBI. The report indicated the results were deceptive to four questions, but the questions are unknown.
Exact date unknown, around December 13, 1975	Officer Williams drove Womble by the Food Mart and Womble pointed it out and said he had served as a lookout.
December 13, 1975	Womble was questioned by Agent Momier and Officer Williams without his lawyer present. Womble continued to recant his involvement in the Butner homicide.
December 14, 1975	Assistant District Attorney Waters interviewed Womble. Agent Momier, Det. Leathers, Det. Roop, and Officer Williams were present. Womble's attorney was not present. ADA Waters offered Womble absolute immunity from prosecution for truthful testimony regarding the Butner murder. Womble told ADA Waters that he was playing pool in Butner and saw Perry shoot the store manager. Womble said he rode back back to Durham with Perry, Willis, and Frazier in a black Cadillac.
December 15, 1975	Shell casings from the Butner homicide and Durham shooting were brought to the SBI Lab.

December 16, 1975	A SBI Report was issued on comparison of the shell casings. The report states the SBI Firearms Examiner is of the opinion that the casings were fired from the same weapon.
December 17, 1975	A Probable Cause Hearing was held for all four cases. Womble testified that he did not go to Butner on November 18, 1975. The hearing was continued.
December 20, 1975	Det. Roop searched Perry's and Willis' apartment and was unable to locate the murder weapon.
December 31, 1975	The Probable Cause Hearing was continued. Willis' and Frazier's cases were dismissed by the prosecutor.
January 7, 1976	Womble's and Perry's Probable Cause Hearing was concluded. Probable cause was found and the cases were bound over to Superior Court.
February 9, 1976	Womble and Perry were indicted by the Grand Jury.
July 6-7, 1976	Womble's Trial. He was convicted of first degree murder and sentenced to life.
November 3-4, 1976	Perry's Trial. He was convicted of first degree murder and sentenced to life.
April 14, 1977	Womble's appeal was denied.
July 5, 1977	Perry's appeal was denied.
December 1, 2011	Willis passed away.
April 4, 2013	Perry wrote to the Commission stating that Womble is innocent.
April 17, 2013	Commission staff interviewed Womble and he applied to the Commission for review of his claim.

V. Agency Files

At the request of the Commission, Granville County District Attorney Sam Currin conducted a search for the files in his office and was unable to locate a file for Womble or for Perry.

Police Chief Danny Roberts of Butner Public Safety Division also searched for a law enforcement file and was unable to locate one. The Durham Police Department was unable to locate any files related to this case. The Commission staff was able to locate the North Carolina State Bureau of Investigation (SBI) file. The SBI file contains an investigation summary, laboratory reports, crime scene photographs, and other case documents.

All defense attorneys for Womble and Perry were contacted by the Commission. The defense attorneys for Womble, William Land Parks, and his co-counsel on appeal, Felix B. Clayton, have both searched and did not locate any files. The defense attorney for Perry, James E. Cross, Jr., has also searched and was unable to locate a file. Attorneys Parks and Cross have provided affidavits to the Commission.

The Commission was able to locate files at the Granville County Clerk of Court's Office for both Perry and Womble. The Clerk's files contained the trial transcript for both Womble's and Perry's cases. The files for Frazier and for Willis had been destroyed with a notation in the Granville County Clerk's Criminal Docket Books that the charges had been dismissed by the prosecutor.

The Commission was able to locate appellate files for Womble and for Perry at the North Carolina Supreme Court. The files contained the Appellate Briefs and Records on Appeal.

VI. Law Enforcement Investigation

The case was investigated by the Butner Public Safety Department and the State Bureau of Investigation (SBI). The Durham Police Department also conducted interviews in the case. Law Enforcement from all three agencies testified in the Womble and Perry trials and their testimony is summarized in the descriptions of each trial later in this brief.

Investigation

Butner Public Safety Officer Williams was the first officer to arrive at the scene. He arrived around 9:30 p.m., and at that time Roy Brent Bullock told Officer Williams that he had been shot by two black males. Mr. Bullock shook his head “no” in response to whether he knew the suspects and was not able to speak further. Officer Williams noted that the cash register was open and only coins and dollar bills were inside.

Officer Williams spoke with Lois Bullock at the hospital. She described seeing two black men, one taller and the other shorter, shoot her father. The tall man had a bandanna covering his face and was holding a gun. She said she saw fire come from the gun and heard two shots.

Law Enforcement spoke to several witnesses near the store on the night of the homicide. The witnesses gave various descriptions of people and vehicles they saw around the store that night. The entire SBI Summary Report of these witness interviews is included on the following pages.

On November 19, 1975, Officer Williams and SBI Agent Momier met with Durham police detectives to develop suspects. At this time, Willis, Womble, and Perry, along with two others, were listed as possible suspects.⁷ On November 19 and 20, law enforcement continued their investigation and conducted interviews that are described in the SBI summary report. A November 21, 1975 report indicates that SBI Agent Momier requested identifying information about Perry and Willis.⁸

On December 7, 1975, Durham Det. Lorenzo Leathers was questioning Womble about an unrelated Durham case when Womble confessed to his involvement in the Butner homicide and named Joseph Perry, Albert Willis, and James “Boo Boo” Frazier as the other perpetrators. Det. Leathers wrote

⁷ State Bureau of Investigation File 150-H-13, Summary Report Pg. 8, Bates stamp Pg. 43.

⁸ State Bureau of Investigation File 150-H-13, Intra-Bureau Correspondence, November 21, 1975, Bates Stamp Pg. 9.

up the confession and Womble signed it. After the confession, the investigation narrowed to focus solely on Womble, Perry, Willis, and Frazier. Five days later, Womble recanted his confession.

Summary Report, Final Report, and Photographs

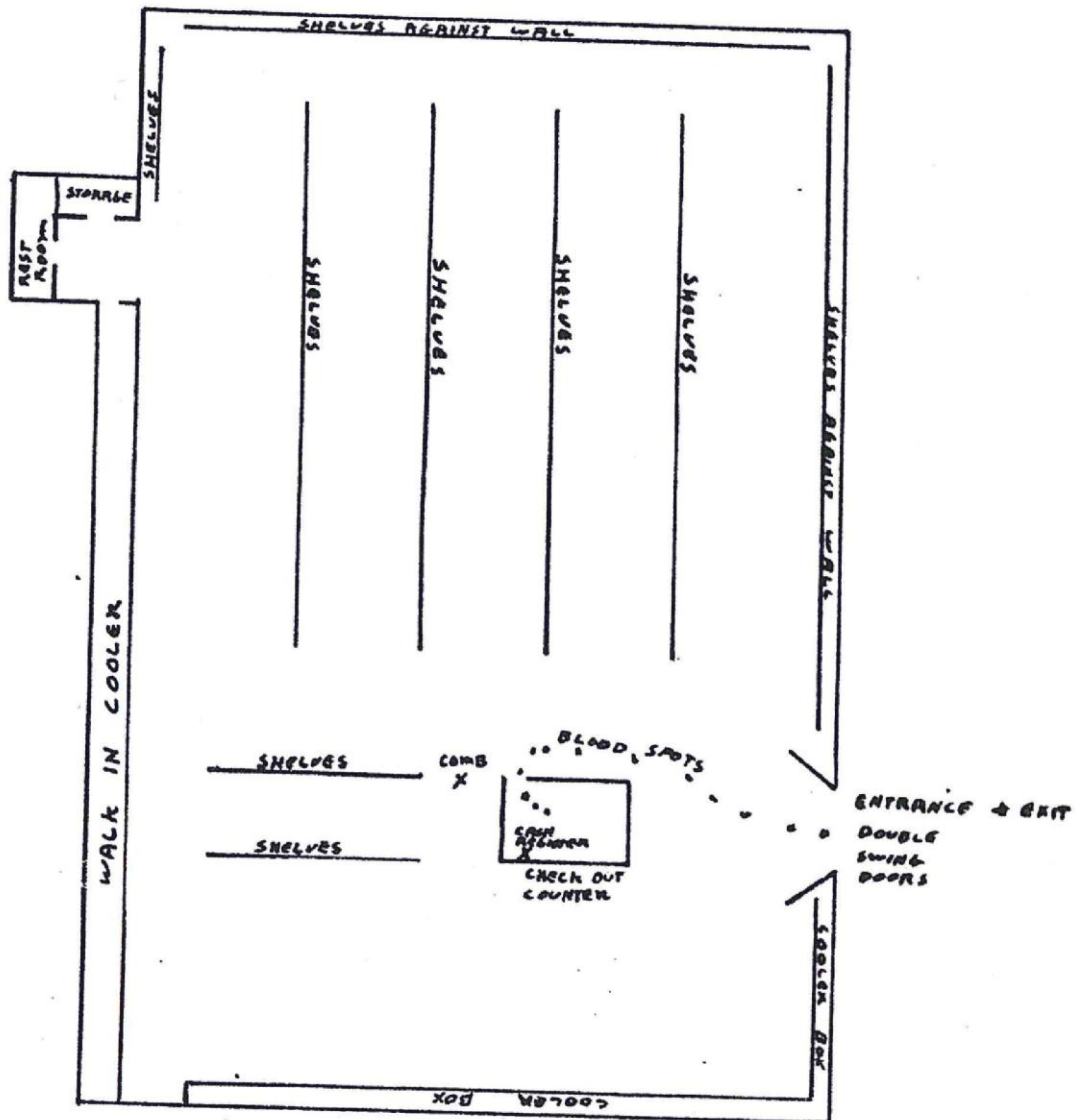
The entire SBI Summary Report, Final Reports, and relevant photographs are included below. Duplicate, low resolution photographs, or photographs that were not ultimately relevant to the investigation are not included. Please be aware that some of the pages are difficult to read, however these documents were printed from SBI archives and are the only available copies.

157-T-8-61

150-R-1-20

150-H-13

DONALD SOLLARS 11-18-75



POLYGRAPH REPORT

State Bureau of Investigation

FORM: PG-1
(Rev. 8-75)

POLYGRAPH FILE # 113-T-6-37 0806 EXAMINER V.S. Davenport

SBI INVESTIGATIVE FILE # 150-H-13 (IF ANY)

DATE OF EXAM December 12, 1975 1275 EXAM LOCATION Granville Oxford
(COUNTY) (CITY)

REQUESTING AGENCY Granville District Attorney's Office

INVESTIGATORS J.S. Momier, Jr.

OFFENSE murder 0401 OFFENSE DATE November 18, 1975

CRIME LOCATION Granville 39 Butner
(COUNTY) (CITY)

VICTIM Roy Brent Bullock

SEX M RACE W DOB AGE 48 HT.

WT. ADDRESS C Street, Butner, N.C.

1. SUBJECT Willie Henderson Womble

SEX M RACE N DOB December 19, 1953 HT. 5'10"

WT. 150 ADDRESS 3420 Mortacass St. Apt. D, Durham, N.C.

TESTS: 6

2. SUBJECT

SEX RACE DOB HT.

WT. ADDRESS

TESTS:

3. SUBJECT

SEX RACE DOB HT.

WT. ADDRESS

TESTS:

RECEIVED
DEC 15 1975

S. B. I. RECORDS

TOTAL # OF TESTS: 6

REMARKS: Womble showed deception to Q-3K, Q-5, Q-8, & Q-9.

DS

POLYGRAPH REPORT

State Bureau of Investigation

FORM: PG-1
(Rev. 8-75)

POLYGRAPH FILE # 113-T-6-37 0806 EXAMINER V.S. Davenport US Davenport

SBI INVESTIGATIVE FILE # 150-H-13 (IF ANY)

DATE OF EXAM December 17, 1975 1275 EXAM LOCATION Granville Oxford
(COUNTY) (CITY)

REQUESTING AGENCY Granville County District Attorney's Office

INVESTIGATORS J.S. Momier Jr.

OFFENSE Murder 0401 OFFENSE DATE November 18, 1975

CRIME LOCATION Granville 39 Butner
(COUNTY) (CITY)

VICTIM Roy Brent Bullock

SEX M RACE W DOB AGE 48 HT. _____

WT. _____ ADDRESS C Street, Butner, N.C.

1. SUBJECT James Cordell Frazier

SEX M RACE N DOB July 5, 1954 HT. _____

WT. _____ ADDRESS Durham, N.C.

TESTS: 0

2. SUBJECT _____

SEX _____ RACE _____ DOB _____ HT. _____

WT. _____ ADDRESS _____

TESTS: _____

RECEIVED
DEC 17 1975

3. SUBJECT _____

S. B. I. RECORDS

SEX _____ RACE _____ DOB _____ HT. _____

WT. _____ ADDRESS _____

TESTS: _____

TOTAL # OF TESTS: 0

REMARKS: Frazier requested to take a polygraph examination, but his attorney Dan Finch refused to allow Frazier to take the examination.

DS

FILE NUMBER:

150-H-13

VICTIM:

Roy Brent Bullock, W/M/48

TYPE OF CASE:

Homicide

SUSPECTS:

JOSEPH LEE PERRY, B/M/22
WILLIE HENDERSON WOMBLE, B/M/21
ALBERT LEE WILLIS, B/M/21
JAMES CARDELL FRAZIER, B/M/21

CONFIDENTIAL

PROPERTY OF

S.B.I.

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NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

421 NORTH BLOUNT STREET
RALEIGH 27602



RUFUS L. EDMISTEN
ATTORNEY GENERAL

CHARLES C. GUNN
SHERIFF

CONFIDENTIAL: This is an official file of the North Carolina State Bureau of Investigation. To make public or reveal the contents thereof to any unauthorized person is a violation of the General Statutes of North Carolina.

FILE NUMBER: 150-H-13

VICTIM: Roy Brent Bullock, W/M/48

TYPE OF CASE: Homicide

CITY: Butner, North Carolina

COUNTY: Granville

SUSPECTS: JOSEPH LEE PERRY, B/M/22 ✓
WILLIE HENDERSON WOMBLE, B/M/21 ✓
ALBERT LEE WILLIS, B/M/21 ✓
JAMES CARDELL FRAZIER, B/M/21 ✓

STATUS: Pending Court

REPORT COVERS PERIOD: November 18 thru December 31, 1975
January 7, 1976

REPORT MADE BY: Special Agent Joseph S. Momier, Jr.:kd

DATE OF REPORT: January 12, 1976

TRANSCRIBED: January 20, 1976

COPIES TO: 3 Supervisor D. E. Gilbert
4 Charles M. White, III, District Attorney
9th Judicial District
Warrenton, North Carolina

AS

150-H-13

SYNOPSIS:

On November 18, 1975, at approximately 9:20 to 9:30 p.m., several Negro male suspects entered the Food Mart Grocery located at the corner of "C" Street and Central Avenue in Butner, North Carolina, and perpetrated an armed robbery.

Victim, Roy Brent Bullock, W/M/48, operator of the convenience store, was shot and killed by one of the suspects.

Approximately \$380 in cash and coins was reported stolen in this robbery which was witnessed by the victim's daughter.

Suspects JOSEPH LEE PERRY, B/M/22; WILLIE HENDERSON WOMBLE, B/M/21; ALBERT LEE WILLIS, B/M/21; and JAMES CARDELL "BOO BOO" FRAZIER, B/M/21, were developed as suspects. Based on a signed confession of suspect WOMBLE, suspects WOMBLE, PERRY, WILLIS and FRAZIER were arrested and charged with armed robbery and murder on December 8, 9, and 10, 1975.

This case is pending court.

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DETAILS OF INVESTIGATION:

PREDICATION:

This investigation was initiated pursuant to a request from the Butner Police Department, received by Reporting Agent on November 18, 1975, at 9:50 p.m.

CRIME SCENE SEARCH:

Reporting Agent notified the State Bureau of Investigation Mobile Crime Lab via radio on November 18, 1975, at 10:15 p.m. and a crime scene search was initiated. The Mobile Crime Lab arrived at 11:30 p.m.

It was observed that the Food Mart was a convenience type grocery store located at the intersection of "C" Street and Central Avenue. Central Avenue was the main street through Butner and that "C" Street was a primary access route from Interstate I-85 to Butner.

The body of victim, Roy Brent Bullock, had been removed from the crime scene prior to Reporting Agent's arrival on the scene. Reporting Agent was advised by Public Safety Officer Nelson T. Williams that victim Bullock was alive and had been transported to Watts Hospital in Durham.

Blood was observed on the front door and on the concrete pavement immediately outside the front door. A trail of blood was observed from the front door, around the counter and behind the counter near the front of the store where the cash register was located.

The cash drawer was observed to be closed when Reporting Agent arrived on the scene.

AGENT'S NOTE:

Reporting Agent was advised by Butner Public Safety Officer Gupton that the victim's wife had entered the store, retrieved some change from the cash drawer, which was initially found to be open, and pushed the drawer shut.

Reporting Agent was further advised that except for the action of the victim's wife, the integrity of the crime scene had been preserved.

The counter area was processed by Special Agents Turbeville, Bickel and Sollars for latent fingerprints and footprints.

Special Agent Terry Turbeville photographed the crime scene.

The interior of the Food Mart was examined by Reporting Agent, Special

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Agents Turbeville and Bickel for spent cartridges and spent bullets with negative results.

The interior of the premises was examined for possible evidence that the suspects had disturbed, touched or carried away any merchandise from the scene with negative results.

Several footprints were found across the road from the Food Mart in the approximate vicinity where witnesses described observing two or three black male suspects minutes prior to the robbery. These footprints were photographed by Special Agent Turbeville.

Investigating officers were advised by several witnesses that two black male suspects were observed running across "C" Street and into the wooded area North of the premises immediately following the robbery. Bloodhounds were transported to the scene at the request of the Butner Police Department by the North Carolina Department of Corrections. The wooded area across the street from the store was searched by Butner Police Officers and the bloodhounds.

Reporting Agent was advised by Special Agent Turbeville that the bloodhounds tracked a fresh scent on two occasions, both concluding at the same point in a parking area of an elementary school. The elementary school was located approximately 1 1/2 blocks from the Food Mart and was under construction.

Reporting Agent was further advised by Special Agent Turbeville that he had photographed several footprints and tire impressions in the area of the elementary school parking lot.

After the crime scene was photographed and processed for latent evidence, the manager was requested to initiate an inventory to ascertain what was missing from the premises.

Approximately six packs of Muriel air tip cigars were reported as being possibly stolen and approximately \$380 in cash and coins. No checks were reported missing.

Several checks and some coins were observed in the cash drawer by Reporting Agent.

Officer Nelson T. Williams, Butner Police Department (investigating officer):

An interview was conducted by Reporting Agent with Officer Nelson T. Williams on November 18, 1975, during the crime scene investigation.

Williams advised Reporting Agent that the crime had been reported at the Butner Police Department at 9:30 p.m. Nothing out of the ordinary was

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observed by officers responding to the scene. He was one of several officers who initially responded to the scene.

Victim, Roy Brent Bullock, was sitting on the floor in the area of the front door when he arrived on the scene. Bullock had stated to him that two black males whom he did not know had robbed him and that he had been shot twice. Bullock had then passed out.

Bullock was then transported by the Butner Rescue Squad to Watts Hospital in Durham, North Carolina for emergency surgery.

Rose Bullock, the victim's wife, had entered the store, went right by her husband to the cash register and grabbed some change from the cash drawer while awaiting the Butner Rescue Squad. Mrs. Bullock had stated that she needed the change to make a phone call. She pushed the drawer close and went back out of the store. She acted very strangely in his impression.

The victim's daughter, (FNU MNU) "Doodles" Bullock, W/F/13, was in the walk-in cooler when the robbery occurred and had witnessed the shooting. "Doodles" Bullock had told him that there were two black male suspects in the store described as follows:

1. Black male, 6 feet to 6 feet 2 inches tall, 160 to 170 pounds, light brown corduroy coat, wearing a blue and yellow ski mask. This suspect was the gunman and that the weapon was described as a long barrel, automatic pistol. Described by "Doodles" Bullock as wearing a blue and red bandana.
2. Black male, 5 feet 6 inches to 5 feet 7 inches, 150 pounds, stouter than suspect #1, brown coat, other unknown.

Officer Williams advised that the description of the ski mask was given by another witness rather than "Doodles" Bullock and that this same witness described suspect #2 as wearing a red or blue ski mask.

"Doodles" Bullock had advised him that she had heard two shots as she came out of the cooler and observed the two Negro male suspects run out of the front door with the money bag.

"Doodles" Bullock had further stated that the gunman wore a blue and red bandana over his mouth, meaning possibly one blue bandana and one red bandana.

Several witnesses who had passed the store minutes before the robbery had described seeing two or three young black male suspects across the street in the service station parking lot. One was described as tall and slim and the other described as short and stocky.

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Some witnesses had observed a 1965 or 1966 white Ford pickup with a camper occupied by three black male suspects at the store at approximately 9:10 p.m.

One witness had described observing an older model black Cadillac parked behind the bank across the street from the store.

Normally the Food Mart would be crowded at approximately 9:30 with customers but at the time of the robbery, apparently there were no other customers in the store.

A security guard had advised him that he had observed two black male suspects crossing Central Avenue headed toward the Food Mart and that both were wearing ski masks. This was at the approximate time of the robbery. The security guard did not report his observation until after the robbery had been reported.

AGENT'S NOTE:

Reporting Agent was advised by Public Safety Officer Billy Gupton by telephone at 12:30 a.m., November 19, 1975, that the victim had deceased while in surgery. The victim had been shot twice in the back and once in the face. One bullet was in the possession of Public Safety Officer Nelson Williams, having been removed during surgery. The bullet was a .22 caliber.

Reporting Agent was further advised on November 19, 1975, by Public Safety Officer Williams at the crime scene that a witness had called in and reported a light colored Caprice headed North from the access ramp onto I-85 at a high rate of speed at the approximate time of the robbery.

Reporting Agent was advised by Butner Public Safety Officer Wayne Nelms that a check had been made with the Umstead Youth Center, a correctional facility located in Butner. All inmates were in and accounted for at the time of the robbery. No escapees or missing persons were reported from Umstead Hospital or C. A. Dillon Detention Unit.

AUTOPSY:

An autopsy was conducted on November 19, 1975, at Watts Hospital. This autopsy was attended by Reporting Agent, Butner Public Safety Officer Nelson T. Williams and Public Safety Officer J. T. Whitfield. Dr. Grim performed the autopsy, autopsy number A-75-188, at 10:30 a.m.

According to Watts Hospital records, victim was declared deceased on November 18, 1975, at 11:20 p.m.

It was observed that bullet #1 had struck the victim in the lower left back and had traveled into the chest and stomach area. This bullet,

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according to Dr. Grim, did not cause death. This bullet was recovered in surgery and was secured by Public Safety Officer Nelson T. Williams.

A long surgical scar, unclosed, was observed extending from the upper chest of the victim to the lower abdomen of the victim, having been incised in surgery the previous evening.

The second bullet was observed to have entered the center of victim's back, just left of the centerline. This bullet traveled upward and toward the left, coming to rest in the victim's left shoulder.

The second bullet, according to Dr. Grim, punctured the heart and several other major organs, and resulted in the victim's having bled to death internally. Approximately five pints of blood, the major portion of blood in the entire body, were extracted from the victim's chest cavity.

The third bullet struck the victim in the left jaw approximately one inch from the left ear and in line with the lower ear lobe.

This bullet, according to the x-ray, traveled straight across the victim's head to a point just right of the center of the victim's head. This bullet did not penetrate any vital organs including the brain and was a nonfatal wound according to Dr. Grim.

Although requested by Reporting Agent, Dr. Grim declined to remove this third bullet for reasons that the face would be mutilated. This would interfere with an open coffin funeral unnecessarily.

Dr. Grim declined to remove the bullet after being advised by Reporting Agent that the possibility existed that this third bullet could conceivably have been fired from a different weapon than that which the other two recovered bullets had been fired.

AGENT'S NOTE:

Reporting Agent contacted the State Medical Examiner's Office in Chapel Hill on November 20, 1975, at 5:55 p.m. in regards to removing the third bullet after the funeral and prior to having victim's body interred.

Reporting Agent secured permission from the victim's family and father on November 20, 1975, at Eakes Funeral Home, Creedmoor, North Carolina, at 7:45 p.m. to have the third bullet recovered in Chapel Hill prior to the actual burial.

The Medical Examiner's Office handled transportation of victim's body to and from Chapel Hill on November 21, 1975, and the third bullet was removed by Dr. E. E. Jenkins, Jr. on December 22, 1975.

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This third bullet was placed by Dr. Jenkins in the possession of Public Safety Officer Nelson Williams at the time of its extraction.

This procedure was not divulged outside the immediate family of the victim and the involved investigating officers.

Reporting Agent and Officer Williams proceeded to the Durham Police Department on November 19, 1975, at the conclusion of the autopsy in an effort to develop possible suspects.

Interviews were conducted with several Durham Police Detectives at this time and approximately two hundred photographs of possible black male armed robbery suspects were secured by Reporting Agent and Officer Williams.

The following suspects were developed as having been known or suspected of perpetrating armed robberies and having used a similar modus operandi:

1. Robert Wesley Williams, B/M/DOB: August 3, 1955, 5 feet 9 inches, 200 pounds, FBI #371682K8, known to reside at 300 West Trinity Apartments, Apartment #9, Durham, North Carolina.
2. Thurman Williams, B/M, brother of Robert Wesley Williams, tall and slim, 6 feet 3 inches, 200 pounds, no other information known and no prior criminal record.

Also developed as possible suspects were:

1. JOSEPH LEE PERRY, B/M/21
2. ALBERT LEE WILLIS, B/M/21
3. WILLIE HENDERSON WOMBLE, B/M/21

Reporting Agent was advised by Detective Lorenzo Leathers and Detective Lieutenant Richard G. Morris, Durham Police Department, that suspects PERRY and WILLIS had been reported to be pulling most of the armed robberies in the Durham area. They have been known to operate a black 1966 to 1968 Cadillac. Informants in the Durham area have reported that PERRY shot at least two or three victims during these armed robberies in unprovoked assaults.

In several cases, including an armed robbery at the College Plaza in which a woman had been shot, the weapon used was a .22 caliber automatic pistol.

WILLIE WOMBLE was reported to be traveling around with PERRY and WILLIS.

AGENT'S NOTE:

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Reporting Agent was advised on November 19, 1975, that the six packs of Muriel cigars earlier reported stolen had been accounted for in an inventory and in a check of the cash register tapes. Nothing but cash was found missing.

The manager had destroyed the tape immediately after conducting the inventory.

AGENT'S NOTE:

Subject Johnnie Mack was developed as a possible suspect on November 19, 1975, by Butner Public Safety Officers, having been on the scene after the shooting and having been reported to be in the area prior to the robbery.

Johnnie (MNU) Mack, B/M/DOB: June 10, 1957, Route 2, Box 165, Creedmoor, North Carolina:

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams, Butner Police Department, with Johnnie Mack on November 19, 1975, at approximately 5:00 p.m.

Mack stated that he was at home on the previous evening in the early evening. He watched Happy Days on television.

He left home when the movie started at approximately 9:00 p.m. and went over to Wayne Hardy's house. He got to Wayne's house approximately five minutes later.

He was at Wayne's house when Rose Hardy came in and told them about the robbery.

Rose was at the store just after the robbery occurred and came back and told them about it. He went with Wayne to the store.

He did not commit this armed robbery/murder. He did not know who did. He had not heard any talk about it so far as to had perpetrated it.

He was willing to stand in a lineup and willing to take a polygraph examination.

AGENT'S NOTE:

While subject Mack was being interviewed by Reporting Agent, several Butner Public Safety Officers contacted Rose Hardy and Wayne Hardy and verified subject Mack's alibi.

Ronnie Sherman Bailey, W/M/19, Route 2, Creedmoor, North Carolina:

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An interview was conducted by Reporting Agent and Officer Nelson T. Williams at the Butner Police Department on November 19, 1975, at approximately 5:40 p.m. with Ronnie Sherman Bailey.

Bailey stated to investigating officers that at approximately 9:25 to 9:30 p.m. on November 18, 1975, he drove down Central Avenue in Butner. He saw the clock on the bank as he passed. At the time he passed the Food Mart, it was 9:30 p.m.

He observed two black males walking toward the building when he came by. They were on the walk between the gas pumps and the Food Mart, on the "C" Street side of the Food Mart.

There were no vehicles in the lot that he could remember.

He went into the Kwik Pik. As he was coming out of the Kwik Pik, he noticed police cars responding to the Food Mart with blue lights and sirens.

One of the black males he observed appeared to be tall and slender, wearing a brown coat. This black male had something on his head, maybe something like a hood.

The other black male was short and also wore a brown coat. This black male also had something on his head. He did not closely observe either suspect and could not identify them. If he had known what was about to happen, he would have noticed.

Brenda J. Little, B/F/21, P. O. Box 33, Butner, North Carolina:

An interview was conducted by Reporting Agent and Officer Nelson T. Williams with Brenda J. Little at the Butner Police Department on November 19, 1975, at 5:56 p.m.

Mrs. Little stated that on the evening of November 18, 1975, she was watching television. Thereafter, she went to the Food Mart to get some groceries.

She purchased a few items and that the little girl, "Doodles" Bullock, bagged her purchases while victim, Roy Bullock, rang her purchases up on the cash register.

There were several customers in the store when she went in. She did not remember seeing anyone when she came out. She left the store and got into her car. No one went into the store as she exited the store.

She did not notice anyone parked or walking on the lot when she got in her car.

She started her car and that the radio came on. The radio was on loud as she usually played it. She started to back out when she heard a shot.

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She only heard one shot and that she knew it was a shot. She was very much afraid.

She saw two black male suspects run out of the store and hurried toward the gas pumps located on the "C" Street side of the store.

Both were black males, one tall and the other short. She did not observe whether they got into a car or went across the road into the woods.

She did not remember seeing any cars.

She could not remember what either suspect was wearing. She did not recognize either one of the suspects. She could not remember if one was wearing a brown coat. She could not remember what either wore over their heads or faces if anything.

She did not notice if either had anything in his hand. She was scared and just didn't remember anything.

This witness appeared to have been very nervous, upset and confused during the entire interview. This witness advised investigators that she lived at Murdoch Center with her husband who was blind.

Gerald Lee Wilkins, W/M/20, 1612 "B" Street, Butner, North Carolina (security guard):

An interview was conducted by Reporting Agent and Officer Nelson T. Williams with Gerald Lee Wilkins on November 19, 1975, at 6:51 p.m.

Wilkins stated to investigators that he was employed at the J. F. Umstead Hospital as a security guard.

At approximately 9:15 to 9:20 p.m., he was going off duty toward the poolroom in Butner. The poolroom is located next to the Food Mart. He saw two black males walking across the Exxon Service Station parking lot. It appeared to him that both wore ski masks.

One suspect was tall and thin and the other was short and somewhat stocky. Both suspects wore dark clothing.

He did not pay any attention to whether or not any cars were in the Food Mart parking lot at this time.

He went into the pool hall and purchased a beer. He heard the rescue squad siren going off and went out. He thought the ambulance was going toward Creedmoor, so he went to get in the car to follow. He then heard screaming and commotion next door at the Food Mart. He went over and police arrived almost immediately.

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He did not hear any shots.

He did not see or hear anyone leaving the scene.

Subjects Gayle Robin Proctor, W/F/19, and Lou Ellen Hicks, W/F/20, were interviewed by Reporting Agent and Officer Williams on November 19, 1975, at 7:08 p.m. Both advised that they were employees at the Kwik Pik in Butner and both advised investigators of having observed a black, older model Cadillac in the parking lot of the Kwik Pik within the past two days.

AGENT'S NOTE:

Subjects Hicks and Proctor and several other possible witnesses observed photographs of approximately two hundred to two hundred and fifty Negro male suspects from the Durham area and approximately fifty photographs of black male suspects in the possession of Reporting Agent.

Although none of the witnesses were able to make any positive identifications, the photographs of suspects JOSEPH PERRY and ALBERT WILLIS were among approximately ten photographs picked out by several witnesses as having possibly been observed in the Butner area previously.

Reporting Agent was advised on November 20, 1975, by Public Safety Officer Williams and Public Safety Officer Gupton that the foreman of the construction site working on the elementary school, Rudolph Allen, had been interviewed and the following was learned:

1. Suspect Pete (MNU LNU) who lives in Louisburg was a black male who drove his father's 1968 white Ford pickup to work at the construction site.
2. William (MNU) Brodie, B/M, who resides in Franklinton was an associate of a (FNU MNU) Thorpe and should be considered along with Thorpe as a possible suspect.
3. William (MNU) Young, B/M, Route 3, Box 88, Franklinton, North Carolina, worked with Pete at the construction site and should be considered a suspect. Young's social security number was 242-90-6764.
4. Robert Taylor, B/M, Route 1, Box 328-A, Kittrell, North Carolina, social security number 244-60-1505, should also be considered as a suspect.
5. Jessie G. Braswell, Jr., B/M, Route 1, Box 291, Kittrell, North Carolina, social security number 237-54-8998, was an associate of Taylor and Pete and should be considered a suspect.

AGENT'S NOTE:

Reporting Agent was advised by Public Safety Officer Bert Whitfield on November 20, 1975, that Pete was involved in a breaking and entering in Butner according to an Informant and should be considered a possible suspect in the Butner murder case.

Reporting Agent was advised by Public Safety Officer Williams on November 20, 1975, that Charlie Tyson, W/M/30's, who operated a body shop just down the block from the Food Mart had called in and reported that two black males operating a dark blue Plymouth had talked to him about trading a car. He did not know them and did not get the license number but that they walked around the Food Mart suspiciously on the day of the armed robbery and went into the poolroom.

Reporting Agent was advised by several Butner Public Safety Officers that a black male suspect named Curtis Williams lived in Creedmoor, generally fitting the description of the gunman, had a reputation for being very mean and should be considered a possible suspect.

Charlie Louis Speed, B/M/24, Route 1, Oxford, North Carolina:

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams at the Butner Police Department with Charlie Louis Speed on November 20, 1975, at 1:20 p.m.

AGENT'S NOTE:

Suspect Speed was summoned to the Butner Police Department by Probation/Parole Officer Jack Parrish for a routine parole interview by Officer Parrish at the request of Reporting Agent.

Speed stated to Reporting Agent and Officer Williams that he came to Butner from Oxford at approximately 1:00 p.m. on Tuesday, November 18, 1975. He went to the Oakley Farm where his friend worked.

He and his friend left the Oakley Farm after his friend got off work at 7:00 p.m. They went to Oxford.

They drove around and drank beer all over Oxford and did not return to Butner until 8:00 a.m. on the next morning.

At approximately 9:00 p.m. they traveled to the J. L. Thomas Store in Person County. They also visited a black male named Johnnie Harris.

Buck Oakley told them about the armed robbery and murder on the day after it occurred, 19th of November, 1975.

He did not commit this murder or know anything about it. He was not in the

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Butner area after 7:00 p.m. on Tuesday, November 18, 1975. His friend, Willie Ira Wilkerson was with him and could not have been in the Butner area during the time of the murder.

He was willing to take a polygraph test and stand in a lineup if requested by Reporting Agent.

Willie Ira Grey Wilkerson, B/M/53, Route 2, Creedmoor, North Carolina:

An interview was conducted by Reporting Agent and Officer Nelson T. Williams with Willie Wilkerson at the Butner Police Department on November 20, 1975, at 1:45 p.m.

Wilkerson stated to investigators that he worked for a Mr. Oakley on a farm. He was at work on the farm on Tuesday, November 18, 1975.

He got off work on the 18th at about 5:00 p.m. He went by the Food Mart with Charlie Speed and got groceries shortly after 5:00 p.m. and went home. They ate supper.

They went to Oxford after supper and stayed in the Oxford area for the rest of the night.

They visited a black male subject named Harris in Person County and did not return to Butner until the next morning.

Charlie Speed did not have anything to do with the murder since he was with Speed all night in the Oxford area. He did not have anything to do with the murder. He did not hear about it until the next morning when he went back to the Oakley Farm to work.

He was willing to take a polygraph test and stand in a lineup if requested to do so by Reporting Agent.

Howard Stuart Oakley, W/M/39, Butner, North Carolina:

An interview was conducted by Reporting Agent and Chief Harvey Ellis with Howard Stuart Oakley, W/M, at the Butner Police Department on November 20, 1975, at 2:30 p.m.

Oakley stated to interviewers that Rose Bullock, the victim's wife, is kin to him.

He and Rose were never close, nor was he very close with the victim. They visited one another infrequently.

He was working on a construction job on November 12, 1975. His foreman told him that a lady wanted him on the phone and that he had to call her back because he was not on break.

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He returned the call during the break to Rose Bullock, the name and number the foreman had given him.

Rose Bullock asked him if anyone could hear him. She asked him if he had a gun she could use. When he replied no, she asked him if he could get a gun for her. He told her that he did not know where he could get one.

He then asked Rose Bullock what she wanted with a gun. She replied that she was going to use it and would not say anymore.

Rose's conduct appeared strange to him over the phone. He did not get her a gun and did not hear anymore from her concerning a gun or anything else.

He talked to the victim's father after the murder on November 19, 1975, and that the victim's father indicated that he was suspicious of Rose Bullock. He had told the victim's father about the gun.

He wanted Reporting Agent to call his foreman and verify his story. His foreman was there throughout the conversation on the telephone which he repeated out loud.

AGENT'S NOTE:

Reporting Agent has had prior dealing with subject Oakley previously in the Butner area. Subject Oakley is known as a possible alcoholic in the Butner area. However, subject Oakley has been known to give accurate and reliable information when sober.

Oakley appeared sober, serious and believable during this interview.

Subject "Doodles" Bullock, daughter of the victim, was carefully observed and questioned informally by Reporting Agent, Public Safety Officer Nelson Williams and other Butner Public Safety Officers during the photo lineup in view of the possibility that her mother, Rose Bullock, might have had something to do with this crime and subsequent coached her as to what to say. This possibility was largely eliminated.

AGENT'S NOTE:

It was observed by Reporting Agent during this session as well as during the previous contacts with Rose Bullock, that Rose Bullock was a very strong-willed woman who inadvertently put words and ideas in the mouths of her children.

The photographs referred to earlier were displayed to the family of the victim on November 20, 1975, at approximately 10:30 p.m. at the Butner Police Department. The victim's daughter, "Doodles" Bullock, who witnessed the shooting was also present and viewed the pictures.

None of the family, who had all worked in the Food Mart at one time or another

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helping the victim, could positively identify any of the suspects in the photos as having perpetrated this crime or as having been in the store previously with the exception of JOE PERRY.

Rose (MNU) Bullock, W/F/40's, "C" Street, Butner, North Carolina:

Rose Bullock, wife of the victim, was interviewed by Reporting Agent and Public Safety Officer Nelson T. Williams at the Butner Police Department during the process of the photographic lineup on November 20, 1975.

During this informal interview, Rose Bullock advised Reporting Agent that on the Wednesday preceding the murder, she had dreamed twice in the same night that she saw her husband in a coffin.

Rose Bullock also advised Reporting Agent that she had premonitions recently that disaster was going to occur soon. She was angry and apprehensive for her daughter's safety due to the fact that the newspaper had printed the fact that her daughter, "Doodles" Bullock, had witnessed the shooting.

She needed a gun for protection and asked Reporting Agent where she could get one.

Reporting Agent asked Mrs. Bullock if she had any kind of weapon around the house for protection and Mrs. Bullock stated that she did not.

AGENT'S NOTE:

Mrs. Bullock's older daughter advised Rose Bullock and Reporting Agent at this time that a newspaper reporter had telephoned her house the night of the murder and that she had advised this reporter that "Doodles" Bullock, her sister, had witnessed the shooting. She had given him all the details she knew.

Mrs. Rose Bullock was also carefully observed during several occasions including the photo lineup. Mrs. Bullock did not appear to Reporting Agent to be more than mildly upset or disturbed. This opinion was also voiced to Reporting Agent by several other persons having known Mrs. Bullock previously.

(FNU MNU) "Doodles" Bullock, W/F/13, "C" Street, Butner, North Carolina (daughter of victim, Roy Bullock):

"Doodles" Bullock was interviewed by Reporting Agent and Public Safety Officer Nelson T. Williams at the Butner Police Department on November 20, 1975, at approximately 11:00 p.m.

Miss Bullock advised that she was working in the Food Mart with her father on the night of November 18, 1975. When all the customers were out of the store just prior to the robbery, she went into the walk-in cooler to restack

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some merchandise.

When she looked between the shelves through the glass in the front of the cooler, she observed her father at the cash register. She also observed a Negro male standing within the counter where her father was. She heard a shot as she was coming out of the cooler and saw the black male shoot her father again and run out of the store.

The black male who shot her father was tall and slim and wore a light brown or beige waist-length coat, possibly a corduroy coat. He had a blue bandana and a red bandana around his neck. The blue bandana was up under his nose covering the lower part of his face. His jaw appeared to jut out.

His hairline was receding at the temples and he was of medium complexion. The pistol was big and very long (described as being approximately 12 inches long).

AGENT'S NOTE:

Miss Bullock could not be positive whether the weapon involved was a revolver or an automatic.

The Negro male did not stop to stoop over and pick up anything such as a cartridge casing prior to running from the store.

A second black male, short, approximately 5 feet 7 inches or 5 feet 8 inches, and slightly heavier built, was standing at the front of the counter during the robbery. The second black male was of a darker complexion than the gunman. She did not get much of a look at the second black male since he was on the far side of the counter.

The suspects ran out of the store and toward the gas pumps. She did not notice whether or not they went into the woods. She did not observe any vehicles in the lot.

She did not recognize either one of the suspects.

She could not describe them further.

She was positive she heard only two shots fired.

She did not see if the second black male had a weapon or not.

On November 21, 1975, Reporting Agent was notified by the Louisburg Police Department that an armed robbery had occurred at the Quality Laundromat located in the Shannon Village Shopping Center in Louisburg. Further, Reporting Agent was requested to assist in the investigation.

Reporting Agent and Butner Public Safety Officer Nelson T. Williams traveled

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to Louisburg on November 21, 1975. Reporting Agent was advised by Louisburg Police Chief Hubert Shearon that two black male suspects, one tall and slim and the other short, entered the Quality Laundromat on the U. S. Highway 401 By-Pass on November 20, 1975, at approximately 9:05 p.m., closing time and robbed the attendant.

Special Agent Dennis Mooney, N. C. State Bureau of Investigation Latent Evidence Section, was notified and composite drawings of the two suspects were accomplished by Agent Mooney on November 21, 1975, at 2:30 p.m.

Interviews were conducted by Reporting Agent with the Laundromat employee, Katherine Fern McDonald, W/F/18, and her boyfriend, George Walter Leonard, W/M/19, both of whom were present when the robbery occurred.

Both McDonald and Leonard described the suspects as being dark complected, one tall and the other short, and both described the suspects as teenage black males.

Leonard advised that the taller suspect held the gun, a gray, snub-nosed revolver.

McDonald advised that the two suspects knocked at the door just after closing time and asked to be admitted to retrieve a suit. Once inside, the suspects gave the name Clyde Harris as the name the suit was registered under.

Refer to case number 150-R-1-19 for further details of investigation regarding the armed robbery at the Quality Laundromat.

Reporting Agent and Public Safety Officer Nelson T. Williams were advised by Franklin County Sheriff William T. Dement on November 21, 1975, that an armed robbery had occurred in Franklin County on August 4, 1975, at 9:35 p.m. at T. H. Dicken's Store. This armed robbery might be related to the armed robbery/murder in Butler.

The two suspects were black males, one armed with a nickel plated pistol and the other with a sawed-off shotgun. Both wore masks.

The suspects made the victim lie on the floor while they escaped on foot.

Robert Lee Wiggins, B/M/DOB: April 29, 1954, 6 feet 3 inches tall, 170 pounds, social security number 237-92-5588; James Butts, B/M, 5 feet 6 inches, 185 pounds, dark complexion; and Robin Butts, W/F, 5 feet 5 inches, 180 to 180 pounds had been developed as suspects. These suspects were not in the Franklin County area at the time or since the robbery to his knowledge.

They were believed to be operating a 1965 blue Plymouth, license number EWJ-858 (North Carolina 1975).

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Robert Lee Wiggins had been on probation for breaking and entering in Granville County previously.

At the conclusion of this interview and conclusion of the composite drawing interview, the above victims viewed a large quantity of photos from Durham, including suspects PERRY and WILLIS, and a quantity of photos in the possession of Reporting Agent without making any positive identifications.

On November 21, 1975, Reporting Agent was advised by Vance County Deputy B. L. Hamm that a subject Amiel Brown, alias Jimmy James Brown, from East Orange, New Jersey, was alleged to be in the Kittrell area. Brown was wanted for armed robbery and interstate flight to avoid prosecution and might be a possible suspect in the Butner murder case. Reporting Agent secured a photo from Detective Hamm.

Criminal record checks were requested by Reporting Agent on November 20 and 21, 1975, reference the above named suspects.

On November 24, 1975, Reporting Agent was advised that an armed robbery had occurred in Granville County on November 23, 1975, and that the three black male subjects had been apprehended.

Reporting Agent proceeded to Oxford on November 24, 1975, where it was ascertained that subjects Russell Amos Wright, B/M/20; Lawrence (MNU) Edmonds, Jr., B/M/27; and Roy Lee Edmonds, B/R/26, were in custody for armed robbery.

A lineup was conducted at the Granville County Sheriff's Department by Reporting Agent, Officer Williams and several Granville County deputies on November 24, 1975, at 10:10 a.m. This in-person lineup was viewed by the victim's daughter, "Doodles" Bullock, without any identifications being effected.

The lineup was composed of the following subjects in the number order listed:

1. Joseph (MNU) Speed, B/M/20 (volunteer)
2. Lawrence (NMN) Edmonds, B/M/DOB: November 25, 1948.
3. Russell Amos Wright, B/M/DOB: October 31, 1955
4. Richard (MNU) Lewis, B/M/DOB: March 1, 1924
5. Willie Clark, Jr., B/M/DOB: June 24, 1945
6. Larry (MNU) Bumpass, B/M/DOB: May 15, 1950
7. Robert (MNU) Taylor, B/M/DOB: October 10, 1939

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Refer to attachment #1.

Russell Amos Wright, B/M/20, 104 Green Street, Oxford, North Carolina:

An interview was conducted by Reporting Agent, Butner Public Safety Officer Gooche, Public Safety Officer Williams, Public Safety Officer Gupron and Granville County Deputy Bruce Dement on November 24, 1975, at 11:29 a.m. at the Granville County Jail.

Wright advised interviewers that he had been involved in the armed robbery he was charged with with subjects Lawrence Edmonds and Roy Lee Edmonds. He readily confessed his part in that crime.

He did not know anything concerning the Butner robbery and murder.

On Tuesday, November 18, 1975, he visited Charles Myers at 514 Granville Street in Oxford. At 8:30 p.m. on November 18, 1975, he went to Henderson to the Beacon Light Apartments. He visited friends at the apartment until 11:00 p.m.

A friend of his, Arnold Blake, who resided on the left side going into the apartments was his friend at the Beacon Light Apartments.

That he did not go to Butner on Tuesday night, November 18, 1975.

Roy and Lawrence Edmonds had guns in the armed robbery that he was arrested in. Roy and Lawrence both hung around with Curtis Williams. That he (Wright) knew Curtis Williams but never hung around with him.

He believed that Lawrence and Roy Edmonds mentioned that they had done something like this (armed robbery) before.

He was in Washington, D. C. until this past summer. He moved back to Oxford.

He did not own a weapon. Even if he did own a weapon, he would never use it in an armed robbery and would never try to kill anyone.

He would be willing to stand in a lineup and be viewed by the witnesses and would willingly submit to a polygraph examination.

Lawrence (NMN) Edmonds, B/M/26 Oxford, North Carolina:

An interview was conducted by Reporting Agent, SBI Agent Clarence Gooche and Officer Nelson T. Williams with Lawrence (NMN) Edmonds at the Granville County Jail on November 24, 1975, at 7:55 p.m.

Subject Edmonds was advised of his Constitutional Rights by Reporting Agent. Edmonds advised Reporting Agent that he understood his Constitutional Rights but declined to sign a waiver of rights. Edmonds stated that he would talk

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to investigators without a lawyer present.

Edmonds was continually questioned for approximately 1 1/2 hours regarding his activity on the night of November 18, 1975, and concerning his part in the robbery that he was arrested for. Edmonds declined to answer any questions whatever throughout the hour and one-half.

Roy Lee Edmonds, B/M/26, Granville County, North Carolina:

An interview was conducted by Reporting Agent and Butner Public Safety Officer Nelson T. Williams with Roy Lee Edmonds at the Granville County Jail on November 24, 1975, at 9:10 p.m.

Subject Edmonds was advised of his Constitutional Rights by Reporting Agent prior to the interview. Edmonds advised Reporting Agent that he understood his rights and wished to talk with investigators without having a lawyer present.

Subject Edmonds signed a written waiver of his Constitutional Rights prior to this interview.

Edmonds stated that he had been involved in an armed robbery on the previous day in the company of his brother, Lawrence Edmonds, and Russell Amos Wright.

The only one of the three having a weapon in this robbery was Lawrence Edmonds. Lawrence Edmonds had pulled robberies previously but he (Roy Lee Edmonds) had not pulled any.

Lawrence Edmonds secured the gun from a black male subject named Norman Cozort of Oxford, North Carolina.

He had been in New York City for the past eight years until moving back to Oxford in 1975.

His brother, Lawrence Edmonds, had told his mother to try to get him out of jail, that he had something to do. He would not talk to him (Roy Edmonds) and would not talk to anybody about anything.

He (Roy Edmonds) knew Curtis Williams of Creedmoor. He got up with Curtis Williams on Monday, November 17, 1975. Williams came to Oxford and spent the night with him. Williams returned home the following morning.

He went back to Butner to Williams' house the next day, November 18, 1975.

Curtis Williams had Marijuana in his possession the next day. He later returned to Oxford in the afternoon.

He did not go to Butner on Tuesday night. He did not get up with or see

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Curtis Williams on Tuesday night.

He did not have anything to do with the armed robbery and murder in Butner. He did not know who did. He did not know whether Curtis Williams was involved in the armed robbery and murder in Butner or not.

He was willing to be viewed by witnesses in the Butner case in a lineup and was willing to take a polygraph at the request of Reporting Agent.

Reporting Agent was advised on the morning of November 24, 1975, that suspect JOSEPH LEE PERRY had been arrested in Durham for armed robbery and was in the Durham County Jail.

Reporting Agent, Officer Nelson T. Williams and the victim's family proceeded to the Durham County Jail on November 24, 1975, at 1:00 a.m.

Detective Parham, W/M/20's, Detective Tony Roop, Durham City Police Department:

Interviews were conducted by Reporting Agent and Officer Nelson T. Williams with Detectives Parham and Tony Roop at the Durham County Jail on November 24, 1975, at approximately 1:10 p.m.

Detective Parham advised interviewers that PERRY had been arrested and charged with armed robbery following an attempted robbery at Hardee's Restaurant in Durham. The Hardee's Restaurant manager had observed PERRY coming in the door with a pistol and had picked up a pistol of his own and shot at PERRY. PERRY had returned fire and had fled.

A Durham City Patrolman had arrested PERRY near the scene operating the black Cadillac registered to him and ALBERT WILLIS.

Several blue bandanas, a stocking mask and a .22 caliber revolver had been retrieved from this vehicle.

No spent bullets from the .22 revolver used by PERRY at Hardee's Restaurant had been retrieved. The .22 caliber pistol in PERRY'S possession was believed to have been stolen in a breaking and entering in Durham on November 20, 1975.

Reporting Agent and Detective Roop advised subject PERRY of his Constitutional Rights at the Durham County Jail. Suspect PERRY signed a waiver consenting to be viewed in a lineup regarding the Butner armed robbery/homicide case.

PERRY was viewed by the victim's daughter, "Doodles" Bullock, and the Bullock family in Durham District Courtroom on November 24, 1975, at approximately 2:30 p.m. "Doodles" Bullock stated to Reporting Agent that she could not be positive whether or not PERRY was the suspect who shot

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her father.

Reporting Agent was advised by Rose Bullock and her son, name unknown, that they knew PERRY. They had observed PERRY in Butner on several occasions, and that PERRY had been in the store previously.

AGENT'S NOTE:

Although PERRY was not formally interviewed by Reporting Agent at this time, PERRY made several statements to Reporting Agent as follows:

1. He had been in the Butner area previously, having served time at the Youth Center in Butner. He had also worked in Butner.
2. He knew the Bullock boy, having seen him previously.
3. He knew quite a few people in Butner.
4. He did not rob the Food Mart or kill victim Bullock.

AGENT'S NOTE:

Suspect PERRY appeared to be very cooperative concerning the lineup and conversing with Reporting Agent regarding the Butner case. PERRY, however, appeared very interested in whether or not the victim's daughter had picked him out or not and made the statement that the police were probably going to try to pin this Butner case on him too.

Reporting Agent was advised by Special Agent Clarence Gooche, N. C. State Bureau of Investigation, on November 24, 1975, that he had confidentially interviewed a subject named Earlie Green, B/M/20's, at the Durham County Jail on the previous day. Green had advised him (Gooche) that he knew who had perpetrated the Butner murder because he had been a party to the planning of the robbery.

Gooche advised that Green had been in the company of a subject named James Champion from Henderson prior to the time of his arrest and that he (Gooche) would attempt to locate and interview Champion in regards to his knowledge of the case and of his dealings with Green.

A H and R .22 caliber revolver, Model 922, with the barrel sawed-off and the serial number obliterated was turned over to Reporting Agent by Granville County Deputy David Smith on November 24, 1975. This revolver was recovered from the suspects in the Granville County robbery (Roy Lee Edmonds, Lawrence Edmonds and Russell Wright).

This revolver and the three spent bullets recovered from the body of victim Roy Bullock were submitted in person by Reporting Agent to the State Bureau

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of Investigation Firearms Lab on November 25, 1975, for firearms examination purposes.

AGENT'S NOTE:

This H and R revolver was returned in person to Reporting Agent by Special Agent Douglas Branch on December 15, 1975, and was in turn turned over to Granville County Deputy David Smith in person on December 15, 1975, in order to preserve the chain of custody of the evidence.

On November 25, 1975, Reporting Agent and Officer Nelson T. Williams reinterviewed subject Roy Lee Edmonds at the Granville County Jail.

Edmonds stated to interviewers that on the Wednesday previous to this interview, November 19, 1975, he had ridden to Butner to the residence of Curtis Williams with his brother, Lawrence Edmonds. They went in together and bought one half pound of Marijuana. They split it up.

He did not know where Lawrence got the money. He did not get any money from going to school on the GI Bill. He did not get a check. He did not have any idea where his brother had received the money to make this Marijuana purchase.

On November 26, 1975, Reporting Agent and Officer Nelson T. Williams traveled to Durham, North Carolina where it was ascertained that more recent information from an Informant pointed to the possibility that suspects PERRY, WILLIS and a suspect WILLIE WUBLE, were involved in the Butner murder case. Further that suspects Isaiah Lyons, B/M/20's, and Jimmy Lyons, B/M/20's, might have been involved.

Isaiah Lyons and Jimmy Lyons had allegedly pulled an armed robbery on Saturday night operating a black vinyl over blue late model Continental.

Reporting Agent was advised by Detective Parham, Durham Police Department, that the weapon recovered from suspect PERRY on the previous Saturday night following the shoot out at Hardee's was a Volar .22 caliber revolver, blue finish, serial number 651397.

This weapon was hand carried by Reporting Agent to the North Carolina State Bureau of Investigation Firearms Lab for examination on November 26, 1975.

Tests involving this weapon indicated that this weapon was not used in the Butner murder case. Tests further indicated that the weapon previously submitted was not used in the Butner murder case.

This weapon was subsequently returned to the Durham Police Department to Detective Parham by Reporting Agent on November 26, 1975.

On November 26, 1975, at approximately 5:00 p.m., Reporting Agent received

a copy of a statement given by suspect Earl Lee Green to Detective Leroy Ruffin, Durham Police Department, on November 26, 1975, at the Durham County Jail.

This statement was as follows:

"I, Earlie Lee Green, B/M/26, give this statement to Detective L. Ruffin on 11-26-75 in the Durham County Jail to Detective L. Ruffin of the Durham Police Department. This statement is given at 1:40 p.m. without threats or promises. This statement is as follows:

I, Earlie Green, Isaiah Lyons, alias Bobby Smith, and his brother, Jimmy Lyons, was supposed to have pulled a job at a convenience market something like a 7-11 in Butner. This place is not too close to I-85 but close to the township of Butner. We were going to rip them off. Isaiah caught the place two weeks before it happened. Isaiah set the job up--Isaiah lives on Calvin Street, he was mapping out the place, the set up and how we were going to pull the job. I, Earlie, was going to be the lookout, Jimmy was going to drive. Isaiah was going to be the one to go in. Isaiah always kept a .32 automatic with him. Jimmy had sawed-off shotgun. The reason I know they pulled this job was because the job was pulled at the exact time they had planned it. They planned to pull the job between 9:00 and 10:00 just before the store was getting ready to close. The job was set up for Saturday. I don't remember what date it was. They pulled the job on a Monday night. I didn't go because I was in Henderson from Saturday through Sunday. I was with Kirby (Champion) and John Henry Champion. Isaiah Lyons and Jimmy Lyons left Calvin Street on Monday night. I was next door at my brother's who lives at the next door to Isaiah Lyons. This was the night the job was pulled. Isaiah was driving and Jimmy Lyons was with him. They drove black vinyl top over light blue Continental four door car. I was not with them. Isaiah had on a dark outfit something similar to silk except for his shirt which was dark also with some light colors in it. Jimmy had a overall outfit on. Isaiah when planning the job said we would wear masks and I assumed it would be the ski masks type because I had seen them with some. I overheard Isaiah telling Jimmy on Thursday night, before the Saturday, that it would be better to pull the job on Monday. They didn't say anything to me on Monday, but I know that's when they were going to pull the job. I have not had any conversation with them since this incident took place. The reason I, Earlie, am giving you this statement is that the Butner Police think I did this. I know it was Isaiah and Jimmy Lyons. This all I know about it to my knowledge."

The above statement was signed by Earlie Green, witnessed by L. Ruffin, dated and timed, November 26, 1975, at 2:15 p.m.

On November 26, 1975, at approximately 11:00 p.m., Reporting Agent was advised by Officers of the Henderson Police Department that two black male suspects had robbed and assaulted a local barber, Carston Ellis, on November 26, 1975, at approximately 6:00 p.m. Ellis had shot and wounded one of the suspects leaving the premises.

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One suspect had been arrested in Oxford and was at the time being interviewed by Detective C. T. Barker, Henderson Police Department.

Detective Melvin (MNU) Smith, B/M, Henderson Police Department:

An interview was conducted by Reporting Agent with Detective Melvin Smith at the Henderson Police Department on November 26, 1975, at approximately 11:10 p.m.

Detective Smith advised Reporting Agent that the subject in custody reference the above mentioned armed robbery was Chester Arthur Edgerton, B/M/20's. Edgerton might have been involved in the Butner armed robbery/murder. He (Smith) had observed Edgerton in the past wearing a tan corduroy jacket and that Edgerton had talked about the Ellis robbery implementing suspects Delmar Jackson, B/M/20's, and Rudolph Glasco, B/M/18.

Jackson was wearing a tan corduroy coat when the robbery occurred at Ellis' Barber Shop and that he (Smith) had this jacket in his custody.

According to Edgerton's statement, Edgerton drove Jackson and Glasco to the hospital after the robbery to get a bullet removed from Jackson's leg. Edgerton was approached by Jackson and Glasco in the poolroom after the robbery had occurred. Edgerton did not accompany Jackson and Glasco on the robbery.

At the hospital, all three suspects ran from the police while Jackson was being treated for the gunshot wound. Edgerton was the only one of the three that had been caught.

Chester Arthur Edgerton, B/M/19, Route 2, Box 918, Henderson, North Carolina:

Subject Chester Arthur Edgerton was interviewed by Reporting Agent at the Henderson Police Department on November 27, 1975, at 12:40 a.m.

Edgerton was advised of his Constitutional Rights by Reporting Agent at this time. Edgerton advised Reporting Agent that he understood his Constitutional Rights and would agree to talk to Reporting Agent without having a lawyer present. Edgerton signed a written waiver of his Constitutional Rights prior to the interview.

Edgerton first replied that he had never been to Butner but that he had been by Butner.

Edgerton stated that he had last been to Butner approximately three years ago when he went to visit his cousin who was incarcerated at the Youth Center in Butner. He had never been to Butner since. He had not been to Butner in the past year.

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On November 18, 1975, he was with his girlfriend, Faye Jackson, who resides on Flint Street in Henderson. Faye Jackson, Cynthia Harris of 727 Hillside Avenue in Henderson, and Annette Fuller could vouch for his whereabouts on November 18, 1975.

He works at Armac. After he gets off from work every night, he goes to his girlfriend's house and stays there until time to go home.

He operates a light green over dark green 1969 Buick Duce and a Quarter.

He does not own a tan or beige corduroy coat, and the only one he knows who does own one is Delmar Jackson.

Edgerton stated that he did not own a weapon of any type. He did not think either Jackson or Glasco owned a weapon.

Neither Jackson or Glasco had ever mentioned pulling an armed robbery to him previously or killing anyone. He did not know if either Jackson or Glasco had ever been to Butner.

He usually tried to stay away from them. All he does on his off time is visit his girlfriend.

AGENT'S NOTE:

Edgerton was asked by Reporting Agent if he owned a blue and white bandana. Edgerton replied that he did and pulled such a blue and white bandana out of his rear pocket and handed it to Reporting Agent.

Reporting Agent unfolded this bandana and the bandana assumed its natural shape of a tied face mask.

Edgerton appeared very nervous after being confronted by Reporting Agent with the fact that Detective Smith had observed him previously wearing a corduroy coat and after being confronted with the sight of the open bandana.

Edgerton became very nervous and decided not to answer anymore questions.

Edgerton advised Reporting Agent that he would not take a polygraph test and would not stand in a lineup.

Edgerton became very uncooperative and arrogant toward Reporting Agent and the interview was concluded at this time.

On December 1, 1975, Reporting Agent was notified by Public Safety Officer Bill Gupton, Butner Public Safety Department, that a spent .22 caliber cartridge casing was found at the Food Mart by an employee. This shell

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casing was in the possession of Public Safety Officer Nelson T. Williams.

AGENT'S NOTE:

Reporting Agent was advised by Inspector Roger L. Davis that he (Davis) had observed a white pickup truck with a camper in the Oxford area on or about November 25, 1975, operated by several black male suspects. The truck was registered to a subject Otis Dickerson of Oxford, North Carolina.

Otis (MNU) Dickerson, W/M/40's, Oxford, North Carolina:

An interview was conducted by Reporting Agent with Otis Dickerson in Oxford on December 4, 1975 at 11:30 a.m.

Dickerson stated that he was a paint contractor. He used a white Ford pickup which was owned by him in his work.

He had never loaned his pickup to any black males at anytime and that he did not work with any black males on the job. As far as he knew, no black males had ever been in his pickup.

The only other white pickup with a camper in the area was a white Chevrolet pickup truck owned by Lester Brandon, B/M, of an Antioch Community, Greenville County. Buster Brandon had several young black male sons but he did not know anything about their characteristics or behavior.

On December 7, 1975, at approximately 10:00 p.m., Reporting Agent was advised by Detective Tony Roop, Durham Police Department, that he had just cleared the Butner murder and robbery case and requested Reporting Agent to meet him in Butner.

Reporting Agent and Public Safety Officer Nelson T. Williams met with Detective Tony Roop and Detective J. C. Morris of the Durham Police Department in Butner on December 7, 1975, at approximately 11:00 p.m.

Detective Tony Roop, W/M/30's, Detective, Durham City Police Department:

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams with Detective Tony Roop in Butner on December 7, 1975, at 11:00 p.m.

Detective Roop advised that he had just questioned a black male suspect named WILLIE WOMBLE in the Durham County Jail. WOMBLE had been arrested and charged with the armed robbery of a loan company in Durham.

WOMBLE maintained that he had nothing to do with this armed robbery but he was with JOE PERRY, ALBERT WILLIS and a black male named "BOO BOO" in Butner when JOE PERRY shot the manager of a convenience store during an armed robbery there. WOMBLE was the lookout in this robbery and had received

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\$20 for his part in the robbery.

PERRY was in jail in Durham charged with armed robbery following a shoot out with the manager of a Hardee's Restaurant.

On December 8, 1975, Reporting Agent and Public Safety Officer Williams proceeded to Durham to interview WOMBLE.

Suspect ALBERT LEE WILLIS was located and arrested outside Durham District Courtroom where he was scheduled to appear on a breaking, entering and larceny charge on December 8, 1975, at approximately 10:30 a.m.

Suspect WILLIS was transported by Reporting Agent and Officer Williams to the Magistrate's Office in Creedmoor where warrants were secured charging WILLIS with armed robbery and murder. WILLIS was subsequently transported to the Granville County Jail for incarceration.

Throughout the trip from Durham to Oxford, WILLIS declined to make any statements to Reporting Agent and Officer Williams except to query Officer Williams and Reporting Agent as to how much time he could get for the armed robbery and murder.

Reporting Agent and Officer Williams also secured warrants on subject JOSEPH LEE PERRY on December 8, 1975, at the Magistrate's Office in Creedmoor for armed robbery and murder and served these warrants on PERRY at the Durham County Jail.

Reporting Agent and Officer Williams secured a copy of a written statement of WILLIE WOMBLE at this time from Detective Roop.

WOMBLE was interviewed at the Durham County Jail on December 8, 1975, by Reporting Agent and Detective Williams in the presence of his court appointed attorney, William Land Parks.

The statement by WOMBLE is as follows:

"Durham County Jail
Durham, North Carolina
December 7, 1975

I, Investigator Lorenzo Leathers, talked with one WILLIE HENDERSON WOMBLE, B/M/21, of 3424-D Mordecai Street, who made the following statement without force, threat or promise, after having been advised of his Rights and he signed a waiver of his rights.

One night JOE PERRY, ALBERT WILLIS and "BOO BOO" came by my house and asked me if I wanted to make twenty dollars (\$20); if I would go and be the lookout for them. "BOO BOO" was driving a 1965 or 1964 Ford, white. We all left and

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"BOO BOO" drove over to Butner, North Carolina. When we reached Butner, "BOO BOO" parked right down the street from the place. At this time JOE PERRY was carrying a .22 automatic pistol. "BOO BOO" had a 41 Magnum pistol. I don't know what kind ALBERT WILLIS had; between a .45 and .25 automatic. After "BOO BOO" parked about fifty feet from the store, they all got out of the car, WILLIS, PERRY, "BOO BOO". I, WILLIE WOMBLE, stood on the outside and was the lookout man. PERRY, WILLIS and "BOO BOO" went in the store and stayed about seven to eight minutes. At the time they came back out of the store, they all ran out of the store and got back to the car. The only one with the mask on was ALBERT WILLIS; he had a stocking cap on his face. PERRY had a blue and red handkerchief tied together around his neck. "BOO BOO" did not have nothing tied around his neck. On the way back from Butner, JOE PERRY had the money. He counted it out on the way back. PERRY stated he had \$210. He, PERRY, gave me \$20 for being the lookout. When we reached my house, they dropped me off. Then JOE PERRY told me if I said anything about what happened, they were going to kill me. On the next day around 12:30 p.m. JOE PERRY and ALBERT WILLIS came back by my sister's house. They came in and I talked with ALBERT WILLIS in the bedroom. At this time he stated that he would not shoot anybody. Then PERRY came into the room and he would not say anything else that took place over in Butner. I do not know the way over to the store that was robbed. But I would know the store if I would see same again. I do not know what the others received out of this robbery that took place over in Butner.

Signed WILLIE HENDERSON WOMBLE
Witnessed by Lorenzo Leathers
Time: 10:45 a.m., December 8, 1975"

WOMBLE was questioned by Reporting Agent on the following points:

1. If he ever entered the premises of the Food Mart?
2. Was he sure about the weapons the three suspects were armed with?
3. Whether or not he received any money from the store?
4. How many shots were heard?
5. What were the suspects wearing?

Warrants were secured for suspect WOMBLE for armed robbery and served at the beginning of this interview.

Attorneys were appointed for suspect PERRY, WILLIS and WOMBLE in Granville District Court on December 10, 1975. Attorney Sam T. Royster was appointed to represent WOMBLE in the Butner murder case.

WILLIE HENDERSON WOMBLE:

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On December 10, 1975, an interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams with WILLIE HENDERSON WOMBLE at the Granville County Jail in the presence of Attorney S. T. Royster.

WOMBLE was again questioned according to the outline of his written statement.

WOMBLE stated that he was positive that they went to Butner on "BOO BOO's" white 1964 or 1965 Ford. He was positive that they used the Ford rather than the black Cadillac owned by PERRY and WILLIS.

JOE PERRY shot the man in the store. He was positive he only heard one shot.

He did not know what "BOO BOO" or WILLIS were wearing but that PERRY had on the blue jacket that he was wearing in Jail in Durham at the present time.

He received \$20 for being the lookout. He received the money prior to going to Butner. He did not receive any money after the crime was committed.

He did not remember seeing anyone while the perpetrators were in the premises. He did not know the man was dead until the next day.

On December 10, 1975, at approximately 9:00 p.m., Reporting Agent and Public Safety Officer Nelson T. Williams proceeded to Durham at the request of the Durham Police Department. Suspect FRAZIER was located by Durham Detective Alenzo Leathers and was arrested at the time and charged with armed robbery and murder.

ALBERT LEE WILLIS, B/M/21, Durham, North Carolina (suspect):

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams with ALBERT LEE WILLIS on December 8 and 9, 1975, at the Granville County Jail.

WILLIS would not converse with investigators without having an attorney present. WILLIS would not sign a waiver of his rights.

Reporting Agent conducted an unofficial interview with WILLIS following WILLIS' refusal to converse with Reporting Agent without an attorney present.

When confronted with the fact that Reporting Agent had a witness who was involved in this crime and who was willing to testify against WILLIS, WILLIS blurted out to Reporting Agent, "that goddamn "BOO BOO" FRAZIER."

WILLIS further stated to Reporting Agent that he did not know FRAZIER'S first and middle name but that everyone called him "BOO BOO" FRAZIER.

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JAMES CARDELL FRAZIER, B/M/21, Durham, North Carolina (suspect):

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams with JAMES CARDELL FRAZIER on December 10, 1975, at 11:00 p.m. at the Granville County Jail.

FRAZIER was advised of his Constitutional Rights by Reporting Agent and advised Reporting Agent that he understood his rights and would talk to Reporting Agent without an attorney being present.

JAMES CARDELL FRAZIER signed a written waiver of his Constitutional Rights.

FRAZIER stated that he did not remember where he was or what he was doing on the night of November 18, 1975. He did not know of anyone who could alibi him except for his mother.

His 1965 white Ford was not running. It had been broken down since the first week or so in November.

He did not go to Butner with suspects WOMBLE, PERRY and WILLIS at anytime. He had never been to Butner.

He had not been with them on the night of November 18, 1975, when the man in Butner was killed. He had been at home that night watching television.

AGENT'S NOTE:

FRAZIER was questioned as to how he could all of a sudden remember where he was on the night of November 18, 1975. FRAZIER was unable to give an answer except that he was sure that he was home that night.

FRAZIER stated that he had heard about the murder in Butner on the news the next day after it happened. He normally followed the news closely.

He had been in the company of PERRY and WILLIS on previous occasions. He had ridden around with them on PERRY'S black Cadillac. He had observed a large .22 caliber pistol in PERRY'S possession on a previous occasion.

Cager Jerry Perry is JOE PERRY'S brother (see case number 150-M-17-24).

He did not own a brown corduroy coat. He did not own a weapon.

He was willing to stand in a lineup and have witnesses look at him and that he demanded the right to be administered a polygraph exam to prove that he was telling the truth.

AGENT'S NOTE:

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Suspect FRAZIER was intermittently interviewed by Reporting Agent, Public Safety Officer Nelson T. Williams, Public Safety Officer Bunn and Granville County Deputy Bruce Dement on the night of December 10, 1975.

FRAZIER was confronted with the information that there was a written statement implicating him in this murder. FRAZIER continually denied having anything to do with the murder and denied knowing about who did it.

Suspect ALBERT LEE WILLIS was again questioned unofficially by Reporting Agent on December 11, 1975. WILLIS stated to Reporting Agent, after advising Reporting Agent that he would not make any statement without a lawyer present, that the shooting resulted from panic on FRAZIER'S part. WILLIS indicated, although did not come out and say, that FRAZIER had pulled the trigger. WILLIS indicated that PERRY did not shoot anyone. WILLIS further indicated that FRAZIER had pulled robberies before and that this was the first time he had ever been caught.

WILLIS continually questioned Reporting Agent as to how much time he could get for this armed robbery and murder and as to which charges Durham Police Department had filed against him.

Further, WILLIS advised Reporting Agent that he would not give any statements unless he could be assured that he would not get any active time. It was too dangerous to talk and then go to prison, regardless of how much time you got in court. He had been to prison and that he knew.

He might favorably consider giving a statement and turning State's witness if he was to get absolute immunity.

A lineup was conducted on December 11, 1975, at the Granville County Sheriff's Department involving suspects WOMBLE, WILLIS and FRAZIER.

The witness, "Doodles" Bullock, viewed the lineup and stated that FRAZIER, WILLIS and one other person in the lineup looked familiar but that she could not positively identify the suspects.

It should be noted that the witness viewed the suspects in the lineup with and without bandanas on and from all different directions.

Court appointed Attorney, Danny Finch, was secured for suspect JAMES CARDELL FRAZIER on December 11, 1975. FRAZIER, through his appointed counsel, declined to take a polygraph examination in Oxford.

Reporting Agent was advised by Attorney Danny Finch that Attorney Kenneth Spaulding of Durham had been retained by FRAZIER'S family for representation in preliminary hearing only.

Prior to suspect WOMBLE being administered the polygraph test on December 12, 1975, suspect WOMBLE was interviewed by Reporting Agent and Special Agent

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Steve Davenport, after an short interview was conducted between suspect WOMBLE and his court appointed attorney, S. T. Royster.

WILLIE HENDERSON WOMBLE, B/M/21:

WOMBLE stated in this interview that he had not told the truth during his first story. He had not been in Butner on the night of November 18, 1975, and did not take part in this robbery.

A friend of his, Mike Watkins, B/M, of Durham was the lookout man and told him everything that had happened as per his statement.

He lied originally because Detective Leathers had promised to help him in his case in Durham if he lied about this case and testified in court.

PERRY, WILLIS and FRAZIER were the three who went into the store according to Watkins. According to Watkins, PERRY killed the manager of the store.

Watkins told him this while he was talking to Watkins on the basketball courts in the project where Watkins lives in Durham one afternoon.

He had previously observed PERRY with a large .22 caliber automatic target pistol. This was supposed to be the gun he killed the manager with.

PERRY had also shot a woman in an armed robbery in Durham at a convenience store.

A polygraph test was administered to WILLIE HENDERSON WOMBLE by Special Agent Steve Davenport at the conclusion of this interview.

Reporting Agent was advised by Special Agent Davenport that suspect WOMBLE reacted in such a manner as to be telling the truth about this story with the exception that he reacted indicating deception when he stated that he did not know of his own mind who had killed the manager at the store.

Suspect Michael Dale Watkins was located and interviewed by Reporting Agent, Public Safety Officer Williams and Detective Roop on December 13, 1975, in Durham.

Watkins' wife was contacted and advised to have her husband meet with investigators at the Durham Police Department as soon as he returned home. Suspect Watkins did appear at the Durham Police Department later in the afternoon of his own accord.

Michael Dale Watkins, B/M/24, 1710 Riddle Road, Durham, North Carolina:

An interview was conducted by Reporting Agent, Public Safety Officer Nelson T. Williams and Detective Tony Roop, Durham Police Department, at the Durham Police Department on December 13, 1975, at 1:00 p.m.

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Watkins was advised of his Constitutional Rights by Reporting Agent and signed a written waiver of his Constitutional Rights.

Watkins stated that he knew PERRY, WOMBLE, WILLIS and FRAZIER but he did not travel around with or associate with this group anymore. He was on probation and could not afford to.

He had not seen WOMBLE since late in October or early November. He had not had any conversations with WOMBLE on any basketball court.

He was not involved in the case in Butner. He had heard about it on the news soon after it happened but that he did not remember any of the exact details.

He did not take part in this robbery. He did not kill the victim. He was not in Butner on the night of November 18, 1975.

He was willing to take a polygraph examination and willing to stand in a lineup and be viewed by witnesses if requested by Reporting Agent.

AGENT'S NOTE:

Suspect Watkins was photographed with his consent at the Durham Police Department at the termination of this interview.

Suspect WILLIS was again interrogated at the Granville County Jail on December 13, 1975. WILLIS again declined to give a statement or converse with writer on an official basis.

WILLIS did advise Writer; however, that he knew Watkins. Neither he nor PERRY associated with Watkins anymore. Watkins was on probation and that he did not associate with PERRY or himself. Watkins would not associate with WOMBLE either.

WILLIE HENDERSON WOMBLE, B/M/21, Durham, North Carolina:

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams with WILLIE HENDERSON WOMBLE on December 13, 1975, at 7:30 p.m. in the Granville County Jail.

Suspect WOMBLE was advised of his Constitutional Rights by Reporting Agent. Suspect WOMBLE advised Reporting Agent that he would talk with Reporting Agent without a lawyer present and that he understood his rights.

Subject WOMBLE signed a written waiver of his Constitutional Rights.

WOMBLE stated that he was not working on the 17th, 18th or 19th of November, Monday, Tuesday and Wednesday. He was employed by the Gilmore Plant and Bulb Company. Their headquarters were in Greensboro. As part

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of his employment, he planted trees and shrubs for the Gilmore Plant and Bulb Company. He was employed at the rate of \$2.71 per hour.

He saw ALBERT WILLIS on November 18, 1975. He did not remember seeing JOE PERRY or "BOO BOO" FRAZIER on November 18, 1975.

He did not go to Butner on November 18, 1975. He had never been to Butner except to visit Willie May while he was serving time at Umstead Youth Center in Butner about a year ago.

He had been to Creedmoor several times with Mike Watkins to get liquor from a bootlegger, B/M, name unknown.

On November 19, 1975, he saw Mike Watkins at about 2:00 p.m. at the basketball court on Mordecai Street. He stayed at Emma Jean Womble's his sister's house, all morning long and did not see WATKINS, PERRY, FRAZIER or WILLIS.

He did not know how they got on the conversation, but that Mike Watkins told him about the robbery in Butner. JOE PERRY was armed with a .22 caliber automatic pistol which he had observed in PERRY'S possession previously. WILLIS and "BOO BOO" FRAZIER were also involved in the armed robbery.

This was what Watkins told him.

JOE PERRY also perpetrated an armed robbery at a rental office at the College Plaza. A black male subject named Lewis White gave JOE PERRY the gun to pull the robbery. He was not present when this robbery was perpetrated.

JOE PERRY'S money is in a bank on Fayetteville Street, either Wachovia or Central Carolina Bank, on Main Street.

PERRY'S sister talked JOE PERRY into putting his money in an account of someone else in the event that the police came down on him. They would want to know where he got his money since he did not work or anything.

ALBERT WILLIS and JOE PERRY live in the same apartment in Durham. They were roommates.

ALBERT WILLIS has a girlfriend by the name of Dee Dee (LNU) on Club Boulevard. ALBERT has a son by Dee Dee also named Albert. He also goes with a girl named Elaine.

Previously, he (WOMBLE) had pulled several breaking, entering and larcenies in Durham. He did not know the names of the places but that they included laundries and other small groceries.

He was involved in a breaking and entering at a store in Walltown in Durham on Berkley Street. He was also involved in a break in at the Peter Pan

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Grocery Store in Durham in the past with a subject Isaac Truesdale.

He was telling the truth. He wanted to know whether the polygraph indicated that he was telling the truth or not.

AGENT'S NOTE:

Assistant District Attorney David Waters conducted an interview with subject WILLIE HENDERSON WOMBLE in the Granville County Sheriff's Department on December 14, 1975, in the presence of Reporting Agent, Detective Tony Roop, Detective Alenzo Leathers and Public Safety Officer Nelson T. Williams.

WOMBLE was advised of his Constitutional Rights and signed a written waiver of his Constitutional Rights.

WOMBLE was advised by Assistant District Attorney David Waters that he was offering absolute immunity from prosecution for truthful testimony regarding the facts of the Butner murder case.

WOMBLE stated to Assistant District Attorney Waters that the previous stories he had told regarding the Butner incident were not true. Detective Leathers had not tried to get him to lie about this case.

He was riding around with a subject named Robert Williams who lives in Duke Apartments on November 18, 1975. Robert Williams operates a small car, make and model unknown.

They went to the poolroom in Butner and played pool.

While they were playing pool, JOE PERRY, ALBERT WILLIS and "BOO BOO" FRAZIER came in to the poolroom. They stayed around a few minutes and then left.

He decided to try to catch a ride back to Durham with PERRY, WILLIS and FRAZIER and that he left the poolroom and went outside to find them.

As he walked in front of the Food Mart convenience store, he looked in the window and saw JOE PERRY, ALBERT WILLIS and "BOO BOO" FRAZIER in the store in the act of perpetrating an armed robbery.

As he looked in, JOE PERRY shot the manager and that all three ran out of the store. He was afraid when they came out and that they did not speak to him nor did he speak to them. He went with them and got into PERRY and WILLIS' black Cadillac which was parked down the road from the store, beside the store. He rode back to Durham with them.

They did not talk about the robbery on the way back.

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They put him off in Durham in front of his sister's house, Emma Jean Womble, 3420 Mordecai Street, Apartment D, Durham, North Carolina.

JOE PERRY had on a short blue coat during the armed robbery. He only heard one shot. He was positive he only heard one shot. He would testify in court as to the facts regarding this case.

AGENT'S NOTE:

Reporting Agent was advised by Public Safety Officer Williams that he had picked up WOMBLE on or about December 13, 1975, and had driven him to Butner to identify the Food Mart.

As they were riding down Main Street, WOMBLE pointed to the Food Mart on his own and said that's the place.

Also WOMBLE stated that serving as a lookout, he was supposed to squall if anyone came in while they were perpetrating the robbery.

On December 15, 1975, Reporting Agent, Public Safety Officer Nelson T. Williams proceeded to the Durham Police Department.

Reporting Agent was advised by Detective Roop that a white female named Barbara Powell had been shot in an armed robbery several weeks before the Butner armed robbery and murder. Powell had been operating a convenience store on Duke Street in Durham.

According to victim Powell, who was operating the Kwik Pik convenience store, JOE PERRY came into the store and pulled a large automatic pistol on her and made her get down on her knees behind the counter.

PERRY also got down on his knees and held the gun on her. He told her to open the safe. She told him that she only had one key and that both keys were required to open the safe. She could not open the safe.

PERRY stated to her, "I'm going to kill you, you white bitch." PERRY then shot Powell and left.

Powell had recovered from the gunshot wound and had identified PERRY in a lineup. Her identification of PERRY was positive.

The bullet fired by PERRY into victim Powell had lodged in her back near the spine and that the bullet could not be removed without endangering the life of Powell.

A .22 caliber spent cartridge casing was found at the scene of this robbery and was secured by Sergeant James Jacobs of the Durham Police

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Department Mobile Crime Lab as evidence.

Reporting Agent secured this fired cartridge casing, a .22 caliber Western Super X make from Detective Roop on December 15, 1975.

Reporting Agent hand carried this shell casing and the shell casing found on the premises of the Food Mart, in the custody of Public Safety Officer Williams, to the North Carolina State Bureau of Investigation Firearms Section on November 15, 1975, and requested that the Firearms Examiner determine if both shell casings were fired from the same weapon.

Reporting Agent was advised on December 15, 1975, by phone at 4:00 p.m. that both fired cartridge casings were fired in the same weapon.

Reporting Agent subsequently received a written report from the State Bureau of Investigation Firearms Laboratory, signed by Examiner Fred M. Hurst, advising the same information.

AGENT'S NOTE:

Reporting Agent and Officer Nelson T. Williams were advised by Sheriff J. C. Cash on December 15, 1975, that two black males, one of them being a juvenile, had been arrested on December 15, 1975, for armed robbery.

Suspect James Thomas Lyons, B/M/19, was interviewed by Reporting Agent at the Granville County Jail as was the juvenile suspect (not named).

Both suspects confessed to perpetrating the armed robbery in Oxford using a knife.

James Thomas Lyons, B/M/19, Oxford, North Carolina:

An interview was conducted by Reporting Agent and Public Safety Officer Nelson T. Williams with James Thomas Lyons at the Granville County Jail on December 15, 1975, at 6:40 p.m.

Lyons stated that his date of birth was July 28, 1958 and that he was born in Granville County. His social security number was 244-08-1809.

He had a prior criminal history for larceny and accessory to murder in New York.

While in New York, he lived with Annie Rockwell at 24 Furnace Street, Kingston, New York. He lived in New York for two or three years.

He had been back in the Granville County area for approximately 1 1/2 years. He left New York in March and had been back ever since.

He had held a knife on the woman in the case that Sheriff Cash had charged

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him with and had robbed her.

He had nothing to do with the Butner armed robbery and murder. He had heard about it but he did not have anything to do with it.

He had not been to Butner recently and was not in Butner on the night of the murder.

He was willing to take a polygraph exam and stand in a lineup if necessary and requested by Reporting Agent.

He had not heard any talk concerning the Butner murder case as to who might have committed it.

Reporting Agent was advised on December 17, 1975, by Attorney William T. Watkins, court appointed counsel for ALBERT LEE WILLIS, that he had interviewed suspect WILLIE WOMBLE by mistake. While talking to WOMBLE he had neglected to get WOMBLE'S name.

WOMBLE had stated to him that he did not intend to testify against JOE PERRY, ALBERT WILLIS or "BOO BOO" FRAZIER. At this point, Attorney Watkins realized his mistake and discontinued the interview. WOMBLE told him to give the word to WILLIS that he did not intend to hurt him on the stand.

A preliminary hearing was held in Granville County District Court on December 17, 1975.

Suspect WILLIE HENDERSON WOMBLE testified under oath that he did not go to Butner on the evening of November 18, 1975. Further that he wished to converse with the judge in regards to a paper which Reporting Agent had given him previously promising him 121 years in prison for the armed robberies. The 21 years was for being 21 years old.

The preliminary hearing was halted at this point and District Attorney Charles M. White, III requested a continuance until December 31, 1975. District Court Judge Julius Banzet granted a continuance for all four defendants until December 31, 1975. Bond was refused.

Reporting Agent was advised by Detective Tony Roop, Durham Police Department, on December 20, 1975, that he had attempted to locate the weapon used in this case in the Kwik Pik in Durham at the apartment formerly rented by suspects PERRY and WILLIS with negative results. He had to use a metal detector in the attic due to the fact that spray on insulation had been used. He could not find any weapons in the apartment.

He had attempted to locate a subject Alvin Reed or Reid and the Robert subject mentioned previously by WOMBLE with negative results.

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Attorney Michael Parks was appointed to represent subject WOMBLE in Granville County Court on December 30, 1975.

Preliminary hearing for PERRY and WOMBLE were continued one week in District Court on December 31, 1975. The State took a voluntary dismissal in the cases against suspects JAMES CARDELL FRAZIER and ALBERT LEE WILLIS at this time.

Preliminary hearing was held for suspects PERRY and WOMBLE in Granville County District Court on January 7, 1976. Probable cause was found on both suspects and both suspects were ordered held without bond and bound over to Granville County Superior Court.

This case is pending Superior Court.

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PHYSICAL DESCRIPTION AND PERTINENT DATA:

NAME:	ALBERT LEE WILLIS
DOB:	March 2, 1954
SEX:	Male
RACE:	Black
HEIGHT:	approximately 5'6"
WEIGHT:	approximately 130
EYES:	Brown
HAIR:	Black
FBI NUMBER:	870652H
SOCIAL SECURITY NUMBER:	239-86-3706
AMPUTATIONS:	None
PHOTOGRAPHED:	Yes, by Reporting Agent
FINGERPRINTED:	Yes, by Reporting Agent
TYPE:	Criminal
SCARS, MARKS, TATTOOS:	None observed
DEFORMITIES:	None
COMPLEXION:	Dark
AKA:	AL
ARRESTED THIS CASE:	Yes
DATE ARRESTED:	December 8, 1975
CHARGES:	Armed Robbery and Murder
POB:	Durham, North Carolina
CURRENT RESIDENCE:	305 Geer Street, Durham, N. C.

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PHYSICAL DESCRIPTION CONTINUED:

N. C. SID Number:

84559

OCCUPATION:

Unemployed

150-H-13

PHYSICAL DESCRIPTION AND PERTINENT DATA:

NAME:	WILLIE HENDERSON WOMBLE
DOB:	December 19, 1953
SEX:	Male
RACE:	Black
HEIGHT:	5'10"
WEIGHT:	140
EYES:	Brown
HAIR:	Black
FBI NUMBER:	736122H
SOCIAL SECURITY NUMBER:	Unknown
AMPUTATIONS:	None
PHOTOGRAPHED:	Yes, Reporting Agent
FINGERPRINTED:	Yes, Reporting Agent
TYPE:	Criminal
SCARS, MARKS, TATTOOS:	Severe burn scars around neck, back and hands
COMPLEXION:	Dark
AKA:	WILLIE
ARRESTED THIS CASE:	Yes
DATE ARRESTED:	December 8, 1975
CHARGES:	Armed Robbery and Murder
POB:	Chapel Hill, N. C.
SBI NUMBER:	57970
CURRENT RESIDENCE:	3424-D Mordecai Street, Durham, N. C.
EMPLOYED:	Gilmore Plant and Bulb Company, Durham

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PHYSICAL DESCRIPTION AND PERTINENT DATA:

NAME:	JOSEPH LEE PERRY
DOB:	December 1, 1953
SEX:	Male
RACE:	Black
HEIGHT:	6'1"
WEIGHT:	150
HAIR:	Black
EYES:	Brown
FBI NUMBER:	197291H
SOCIAL SECURITY NUMBER:	
AMPUTATIONS:	None
PHOTOGRAPHED:	Yes, Reporting Agent
FINGERPRINTED:	Yes, Reporting Agent
TYPE:	Criminal
SCARS, MARKS, TATTOOS:	None observed
DEFORMITIES:	None
COMPLEXION:	Medium
AKA:	JOE
ARRESTED THIS CASE:	Yes
DATE ARRESTED:	December 8, 1975
CHARGES:	Armed Robbery and Murder
POB:	Durham, N. C.
SBI NUMBER:	53108
CURRENT RESIDENCE:	3019 Weaver Street, Durham, N. C.

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PHYSICAL DESCRIPTION CONTINUED:

OCCUPATION:

Unemployed

150-H-13

PHYSICAL DESCRIPTION AND PERTINENT DATA:

NAME:	JAMES CARDELL FRAZIER
DOB:	July 5, 1954
SEX:	Male
RACE:	Black
HEIGHT:	6'1 1/2"
WEIGHT:	160
EYES:	Brown
HAIR:	Black
FBI NUMBER:	
SOCIAL SECURITY NUMBER:	
AMPUTATIONS:	None
PHOTOGRAPHED:	Yes, Reporting Agent
FINGERPRINTED:	Yes, Reporting Agent
TYPE:.	Criminal
SCARS, MARKS, TATTOOS:	one inch by one-half inch birthmark left forearm
COMPLEXION:	Medium
AKA:	B00 B00
ARRESTED THIS CASE:	Yes
DATE ARRESTED:	December 10, 1975
CHARGES:	Armed Robbery and Murder
POB:	Durham, N. C.
CURRENT RESIDENCE:	1017 Delray (?) Street, Durham, N. C.
PRIOR RECORD:	None
OCCUPATION:	Unemployed

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AGENT'S NOTE:

It should be noted that suspects WILLIS, PERRY and WOMBLE have prior records for breaking, entering and larceny and armed robbery.

North Carolina
STATE BUREAU OF INVESTIGATION
Raleigh

FINAL REPORT

Victim: Roy Brent Bullock File No. 150-H-13 Date: July 11, 1976

CASE CLOSED BY

Trial: July 6 & 7, 1976 Leads Exhausted _____ Other: _____
(Date)

COURT ACTION

Court: Granville Superior Judge: E. Maurice Braswell Did Agent Testify: Yes

<u>Defendant's Name</u>	<u>Charge</u>	<u>Verdict</u>	<u>Sentence</u>
<u>Willie Henderson</u> <u>Womble</u>	<u>1st Deg. Murder</u>	<u>Guilty</u>	<u>Life in prison</u>
<u>Joseph Lee Perry</u>	<u>" " "</u>		<u>See Remarks</u>

Remarks: WILLIE H. WOMBLE entered plea of "not guilty", found guilty by Jury. Represented by Attorney William Parks, appointed. Docket 75-Cr-6128. Suspect PERRY already serving 175 years in prison on other charges without eligibility for parole, has not been tried reference this case.

PROPERTY RECOVERED

<u>Nature</u>	<u>Value</u>

Approved:

Daniel E. Gillet
Supervisor

Joseph S. Monier, Jr.
Special Agent

BUREAU OF INVESTIGATION
NORTH CAROLINA DEPARTMENT OF JUSTICE
RALEIGH

Intra-Bureau Correspondence

From: Senior Agent Joseph S. Momier
To: Director
Subject: ROY BRENT BULLOCK, W/M/48, VICTIM -- HOMICIDE
BUTNER, GRANVILLE COUNTY, NORTH CAROLINA

Date: August 23, 1976

File No.: 150-H-13

In Reply To:

(Transcribed August 25, 1976)

Suspect Willie Henderson Womble, B/M/21, was convicted of first degree murder in Granville County Superior Court on July 7, 1976, and was sentenced to life imprisonment.

Suspect Joseph Lee Perry, B/M/22, has not been tried reference this case. Perry is currently serving consecutive sentences totalling 175 years in prison for armed robbery convictions in Durham, North Carolina. Due to prior armed robbery convictions, Perry is not eligible for parole.

This case remains pending court.

JSM:emc

cc: 3 Supervisor D. E. Gilbert

COPY

Bt

PAGES

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North Carolina
STATE BUREAU OF INVESTIGATION
Raleigh

(Revised 10-76)

FINAL REPORT

Victim: Roy Brent Bullock File No. 150-H-13 Date Case Was Opened: 11-19-76

CASE CLOSED BY: Court: Granville Superior, 11-04-76 Leads Exhausted: Other:
(Date & Name of Court) (Explain Under "Remarks")

Judge: mMaurice Braswell Did Agent Testify? Yes

1- DEFENDANT'S NAME: Joseph Lee Perry Race: N Sex: M DOB: 12-01-53
Charge: Armed Robbery, 1st Degree Murder Court Docket # 75-Cr-6043 (A. Robb)
Verdict: Guilty Sentence: Life in Prison
Fine: N/A

2- DEFENDANT'S NAME: _____ Race: _____ Sex: _____ DOB: _____
Charge: _____ Court Docket # _____
Verdict: _____ Sentence: _____
Fine: _____

3- DEFENDANT'S NAME: _____ Race: _____ Sex: _____ DOB: _____
Charge: _____ Court Docket # _____
Verdict: _____ Sentence: _____
Fine: _____

S. B. I. RECORDS

DISPOSITION OF EVIDENCE: Retained by Clerk of Superior Court

REMARKS: Defendant Perry pled Not Guilty, found guilty by Jury on 11-04-76.

Sentence was imposed to run concurrently with a 100 year sentence, a life sentence and a 20 year sentence imposed previously in Durham County.

PROPERTY RECOVERED: (Do Not List Any That Was Listed On Initial Report) None

NOTE: As the result of two prior convictions for armed robbery, Perry is not eligible for parole consideration.

APPROVED: Amil E. Gilbert Joseph S. Momier Jr. 11-04-76
SUPERVISOR SPECIAL AGENT DATE SUBMITTED

NOTE: Attach Additional Final Reports If Needed For This File.

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
3320 OLD GARNER ROAD
RALEIGH 27610

HAYWOOD R. STARLING
DIRECTOR

TYPE OF CASE: Homicide/Armed Robbery
SUBMITTING AGENCY: SBI/Butner PD (Greenville)
VICTIM: ROY BRENT BULLOCK
SUSPECT: _____
DATE SUBMITTED: 5 April 1976
SBI FILE #: 150-H-13
SBI LAB #: 9-T-4-3177

Received from the State Bureau of Investigation the following described evidence:

- Q-1 - One (1) caliber .22 L.R. mutilated fired lead bullet, probable make is Western.
- Q-2 - One (1) caliber .22 L.R. mutilated lead bullet, probable make is Western.
- Q-3 - One (1) mutilated fired caliber .22 L.R. lead bullet, probable make is Western.

Evidence destroyed:

DATE: 11-12-81
EXAMINER: Eugene E. Bishop
[Signature]
(SIGNATURE)
WITNESS



RUFUS L. EDMISTEN
ATTORNEY GENERAL

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
421 NORTH BLOUNT STREET
RALEIGH 27601



HAYWOOD R. STARLING
DIRECTOR

September 30, 1976

Mr. Jon P. Kindice
Chief of Police
Durham Police Department
Durham, North Carolina

Dear Jon:

On November 18, 1975 at approximately 9:30 p.m. the Food Mart Grocery located in Butner, N. C. was robbed and the operator, Roy Brent Bullock, W/M/48, was shot to death.

According to the information I have received, the efforts of Detectives Tony Roop and Lorenzo Leathers were instrumental in leading to the arrest of the suspects and subsequent conviction in Granville County Superior Court. I also understand that other members of your department provided valuable assistance in connection with this investigation.

Allow me the opportunity to express my personal appreciation and that of the State Bureau of Investigation to your detectives for the excellent assistance and cooperation provided in the investigation of this homicide and armed robbery case. Their professionalism, efficiency and diligent cooperation displayed in this case should be an outstanding example for all law enforcement officers.

Please be assured of our complete cooperation in all matters of mutual interest.

Sincerely,

HAYWOOD R. STARLING
DIRECTOR

bc: Senior Agent J. S. Momier

















Medical Examiner's Report

The Medical Examiner's Report indicates that Roy Brent Bullock died at 12:20 a.m. on November 19, 1975 from "shock and hemorrhage due to bullet wound right side of chest 8th interspace left chest back into abdomen left chest." The report notes that there were three bullet wounds.⁹

Firearms Analysis

Shell casings were collected at both the Durham shooting and the Butner Food Mart homicide. Two shell casings, one from each scene, were sent to the SBI Lab for comparison. The SBI Firearms Examiner issued a report and testified at Perry's trial that it was his opinion that both casings were "Western Super X caliber .22 L. or L.R. fired cartridge cases." It was also his opinion that both casings were fired from the same gun.¹⁰ This examiner testified at Perry's trial, linking the Durham shooting to the Butner homicide. Information regarding the casings was not presented at Womble's trial because he was not a suspect in the Durham shooting.

The bullet fragments removed from Roy Brent Bullocks' body were also compared to various guns from robberies across the state with negative results.¹¹

The Commission hearing will not focus on the firearms analysis because Perry has admitted to Commission staff that he was the shooter at both the Durham shooting and the Butner homicide.¹²

Other Forensic Testing

Latent prints, shoe impressions, tire track impressions, and blood scrapings were all collected at the Butner crime scene. None of the forensic testing revealed results relevant to the investigation.¹³

⁹ State Bureau of Investigation File 150-H-13, Report of Investigation by Medical Examiner, November 28, 1975, Bates Stamp Pg. 31.

¹⁰ State Bureau of Investigation File 150-H-13, Laboratory Report December 12, 1975, Bates Stamp Pg. 24.

¹¹ State Bureau of Investigation File T-4-03177, Laboratory Report, December 16, 1980.

¹² Commission Staff Interview of Joseph Perry, April 24, 2013.

¹³ State Bureau of Investigation File 150-H-13, Laboratory Report, December 12, 1975, Bates Stamp Pg. 19; Laboratory Report, February 6, 1976, Bates Stamp Pg. 87; and Laboratory Report, December 18, 1975, Bates Stamp Pg. 27.

VII. Probable Cause Hearings

The court files indicate that a Probable Cause Hearing was held for all four co-defendants.¹⁴ There are no transcripts available from this hearing.

December 17, 1975 Probable Cause Hearing

Although there are no transcripts, there are subpoenas to the probable cause hearing in Perry's court file for Barbara Powell (the Victim of the Durham shooting), Det. Lorenzo Leathers of the Durham Police Department, Det. Tony Roop of the Durham Police Department, and Sgt. Jacobs of the Durham Police Department.¹⁵ The hearing was continued to December 31, 1975.

The SBI summary report of the probable cause hearing is on page 57 of this brief.

December 31, 1975 Probable Cause Hearing

On December 31, 1975, the charges against both Frazier and Willis were dismissed. The court files for Frazier and for Willis have been destroyed and the Granville County Clerk's Criminal Docket book states "dismissal by prosecutor."¹⁶

The SBI Summary Report of this court date is on page 58 of this brief.

January 7, 1976 Court Date

A note in Perry's Court File states, "January 7, 1976: Probable Cause is found. Defendant is bound over to the next criminal session of the Granville County Superior Court, and no bond is set by this Court." There is no documentation of the final Probable Cause Hearing in Womble's court file.

The SBI Summary Report of this court date is on page 58 of this brief.

Both Womble and Perry were indicted on February 9, 1976 for first degree murder.¹⁷

¹⁴ State v. Joseph Lee Perry, 75 CR 6042 and State v. Willie Henderson Womble, 75 CR 6128.

¹⁵ State v. Joseph Lee Perry, 75 CR 6042.

¹⁶ Index to Criminal Actions No. 1, Defendants T-Z, from December 2, 1968 – August 12, 1982, Granville Co, N.C., 75 CR 6044 – 6045 and Index to Criminal Actions. No. 1, Defendants E-G, from December 2, 1968 – August 12, 1982, Granville Co, N.C., 75 CR 6117-6119.

¹⁷ Granville County Clerk of Court File for State v. Perry, 75 CRS 6042, Indictment and Granville County Clerk of Court File State v. Womble, 75 CRS 6128.

VIII. Willie Henderson Womble Trial

Womble was tried for first degree murder on July 6 and 7, 1976. Womble was represented by Attorney William Land Parks and the State was represented by Assistant District Attorney David Waters. The Honorable E. Maurice Braswell was the presiding Judge.

The opening arguments were not recorded in the transcript.

State's Evidence

Lois Bullock

Lois Bullock is the daughter of Roy Brent Bullock and was 13 years-old at the time of the homicide and the trial. She testified that she was at the Food Mart with her father on November 18, 1975. Miss. Bullock testified that she was in the walk-in cooler between 9:00 and 9:30 p.m. The cooler had glass doors and she could see to the front of the store through them.¹⁸

Miss. Bullock testified

*Well, I was putting the milk on the shelf when I seen these two guys like behind the counter. I saw my daddy walk behind the counter, and then he was followed by the two boys. They were going kind of fast. At first I didn't think anything of it. I thought they were in a hurry. After that I looked out the cooler again and I saw fire.*¹⁹

The prosecutor asked her what kind of fire she saw and she replied, "Fire that comes from a gun."²⁰

Miss. Bullock described one man as, "Kind of tall, about middle size, and he had a red bandanna over his mouth. It looked like he had short hair, and he was black." She said about the other person, "I just saw the top of his head. I could tell he was shorter than the other guy...he was black."²¹

¹⁸ Trial Transcript, State v. Willie Henderson Womble, Granville County 75 CRS 6128, July 6, 1976, Pgs. 3-5.

¹⁹ Id.

²⁰ Id.

²¹ Id. Pgs 5-6.

Miss. Bullock testified that after she saw the fire:

*I went to go out of the cooler, and when I did, I couldn't move. After that I heard two shots, and two guys left out the store...It was the two guys behind the counter. The two guys in there was behind the counter. They were the ones that ran out...I saw the tall one. I never did see the shorter one's face, just enough to tell he was shorter.*²²

Miss. Bullock said that after she came out of the cooler, her father was standing up and told her to call the ambulance. There were spots of blood on the rug behind the counter. Her father had blood all over the back of his shirt and he was bleeding from his mouth. When the police arrived, her father fell backwards through the door and was laying half inside and half outside the store.²³

Miss. Bullock testified that she then went to the hospital and spoke with the police there. She told them what happened and what she saw. She said she did not look outside of the store. She called her mother who came to the store.²⁴

Miss. Bullock described the gun as a "long black gun" and a handgun. The taller man was holding it straight out pointed towards her father. Her father did not have a gun and he did not try to fight.²⁵

She described the bandanna she saw on the tall man, "It was red, and it had some white and black designs on it. I can't tell exactly what design it was." The prosecutor asked if it could have had navy blue designs on it and she responded, "I think it was black."²⁶

On cross examination, Miss. Bullock stated that she could not identify the men and could not say whether Womble was one of the men. The attorney asked her what she considered tall and she said, "Something like six feet," but she couldn't tell exactly how tall the man was. She said, "He was just tall."²⁷

²² Id. Pgs. 5-6.

²³ Id. Pg. 7-8.

²⁴ Id. Pg. 10.

²⁵ Id. Pgs 12-13.

²⁶ Id. Pg. 14.

²⁷ Id. Pgs. 14-16.

Sara Rose Ellington Bullock

Sara Rose Ellington Bullock was the wife of Roy Brent Bullock and they have four children together. On November 18, 1975 between 5:00 and 5:30 p.m., she took her daughter, Lois, to the Butner Food Mart where her husband worked. Mrs. Bullock came back to the Butner Food Mart before 9:00 p.m. to bring change to her husband and she left around 9:25 or 9:30 p.m. Mrs. Bullock said that when she got home, the phone was ringing and it was her daughter Lois saying, “Daddy’s been shot.” Mrs. Bullock testified, “When I drove up, my husband was laying in the door. His body from here up was laying inside the store and his body from here down was laying on the outside.”²⁸

Mrs. Bullock testified that she looked inside the store and saw the register was open and there was blood all over her husband and inside the store. She saw some money inside the register, but could not recall whether it was bills or change. Mrs. Bullock said that when she arrived, law enforcement was already there and she went with her husband in the ambulance. Mrs. Bullock said her husband was “out” and did not say anything to her in the ambulance.²⁹

Officer Nelson T. Williams

Officer Williams was an officer with the Butner Public Safety Department. He testified that he was on duty on November 18, 1975, and received a call. Officer Williams arrived at the Butner Food Mart at approximately 9:30 p.m. Roy Brent Bullock and his daughter, Lois, whom he knew as “Doodles” were there. Officer Williams said Mr. Bullock was kneeling against the doors. Mr. Bullock told Officer Williams that he had been shot by “two black men.” Officer Williams asked if he recognized the men and Mr. Bullock shook his head that he did not. Mr. Bullock then went into shock and Officer Williams was not able to ask any more questions. Officer Williams noticed that Mr. Bullock had a puncture on his left cheek “similar to a bullet puncture” and a wound on his left side in the back and was bleeding. Officer Williams said there was blood leading from where Mr. Bullock was to the entrance of the counter.³⁰

Officer Williams described the cash register as sitting on a counter that was in a boxed off area where the cashier stands. The cash register was open and there were a few coins in one compartment and a few one dollar bills. All of the other compartments were bare. He described the cooler as, “a

²⁸ Id. Pgs. 17-20.

²⁹ Id. Pgs. 20-22.

³⁰ Id. Pgs. 23-26.

room that you walk in from behind through a door, and the front is glass doors with shelves in it. You can restack it from the rear of the shelves from out of the cooling area back there or room, whatever you might call it.”³¹

After Mrs. Bullock arrived, Officer Williams said he sealed off the scene. The ambulance came and took Mr. Bullock to the hospital. Officer Williams went to the hospital after the ambulance and spoke with Lois, whom he referred to as “Doodles,” around midnight. He testified that Doodles:

*Described both men as being black. She said one was tall, the other one was shorter. She only saw the one that was standing with the gun in his hand, and he had a bandanna on. Doodles could only identify from his nose up approximately this area. She said the other man that she only saw him from behind as he went out the door.*³²

Officer Williams said Doodles described the bandanna as a red and black or red and blue bandanna tied around the face of the man holding the gun.³³

Stipulation

At this time, counsel for the state and defense stipulated that:

*Roy Brent Bullock died at 12:20 a.m. on November 19, 1975, at Watts Hospital in Durham, North Carolina, died as a result of shock and hemorrhage due to penetrating bullet wounds in the right side of his chest, eighth interspace and left chest back into abdomen, which wounds were sustained at approximately 9:30 p.m. at the Food Mart on Central Avenue in Butner, North Carolina on November 18, 1975.*³⁴

Det. Lorenzo Leathers

Det. Leathers is a detective with the Durham Police Department. Det. Leathers testified regarding Womble’s confession. The entire transcript of Det. Leathers’ testimony and the trial exhibits are on the following pages.

³¹ *Id.* Pgs. 25-28

³² *Id.* Pgs. 25-29.

³³ *Id.*

³⁴ *Id.* Pg. 32.

1 or discuss the case with anybody or associate with any person
2 connected with it while you are functioning as trial jurors.

3 (RECESS.)

4 MR. WATERS: Your Honor, after the afternoon recess,
5 counsel for the State and for the defendant have reached a
6 stipulation which we would ask to enter into the record, in
7 which would replace the stipulation which we entered into just
8 prior to the time of the afternoon recess. The State would
9 move at this time that stipulation be stricken, and that this
10 stipulation be placed into the record.

11 THE COURT: Permission granted, proceed.

12 MR. WATERS: Counsel for the State and for the
13 defendant herein stipulate that Roy Brent Bullock at 12:20 a.m.
14 on November 19, 1975, at Watts Hospital in Durham, North
15 Carolina, died as a result of shock and hemorrhage due to
16 penetrating bullet wounds in the right side of his chest,
17 eighth interspace and left chest back into abdomen, which wounds
18 were sustained at approximately 9:30 p.m. at the Food Mart on
19 Central Avenue in Butner, North Carolina, on November 18, 1975.

20 THE COURT: The jury will consider this stipulation
21 without further additional proof.

22 MR. WATERS: Your Honor, the next witness for the
23 State is Detective Lorenzo Leathers.

24 LORENZO LEATHERS, being first duly sworn, testified as follows
25 during DIRECT EXAMINATION by MR. WATERS:

- 1 Q What is your name, sir?
- 2 A Lorenzo Leathers.
- 3 Q Mr. Leathers, by whom are you employed?
- 4 A By the City of Durham Police Department.
- 5 Q How long have you been employed by the City of Durham
- 6 Police Department?
- 7 A Approximately 22 years.
- 8 Q What is now your capacity with the City of Durham Police
- 9 Department?
- 10 A Investigator.
- 11 Q Were you so employed on December 7, 1975?
- 12 A Yes, sir, I was.
- 13 Q Were you on duty any time during that day, sir?
- 14 A Yes, I was.
- 15 Q While on duty, did you have occasion to talk to one Willie
- 16 Henderson Womble?
- 17 A Yes, I did, sir.
- 18 Q And is that person here in the courtroom today?
- 19 A Yes, sir, this is Mr. Womble.
- 20 Q Is that Mr. Womble seated to the left of Mr. Parks here
- 21 at defense counsel table?
- 22 A Yes, sir, with the blue shirt on.
- 23 Q About what time of day or night did you talk with him on
- 24 December 7th?
- 25 A Around 7:20 p.m., I think.

1 Q Where was this discussion that you had with him?
2 A It was in the Durham County Jail.
3 Q When you talked with him, had you charged this defendant
4 with anything?
5 A No, sir, I had not charged him with anything.
6 Q At that time do you know whether or not he had been
7 arrested with regard to any incident, or any alleged armed
8 robbery in Butner, North Carolina, on November 18, 1975?
9 A On December 6, he had not, no, sir.
10 Q What was your purpose in talking with Mr. Womble?
11 A About some incidents that had taken place in Durham.
12 Q When you were talking to him, did he tell you about any
13 incident that had taken place outside Durham?
14 A Yes. Whenever I talked with him, I had advised him of
15 his rights, read his rights to him. After reading his rights
16 to him he stated he understood his rights, and then he also
17 signed a waiver of his rights.
18 Q When you say he read his rights, are they what is currently
19 referred to as the Miranda Rights?
20 A Yes, sir.
21 Q Did you read those rights to him off a form that you have
22 with you?
23 A Yes, sir, I did.
24 Q And do you have the original of that form with you today?
25 A Yes, sir.

1 Q Could I see it, please?

2 A (Witness complies.)

3 MR. WATERS: Your Honor, we would like to have this do
4 ument marked State's Exhibit One for identification.

5 THE COURT: Let it be marked State's Exhibit One
6 for identification.

7 (Rights form marked State's Exhibit One for identification.)

8 Q Mr. Leathers, I show you a document which has been marked
9 State's Exhibit One, and ask you if you can identify that?

10 A Yes, sir, I can.

11 Q What is it, if anything?

12 A Your rights, City of Durham also a waiver at the bottom
13 of this.

14 Q Now, did you read that document to Mr. Womble?

15 A Yes, sir, I did.

16 Q Are there any signatures on that document?

17 A Yes, sir.

18 Q Whose signature appears on that document?

19 A Mr. Womble's along with mine.

20 Q Do you know what time the document was signed?

21 A I would say around 7:27, 7:30.

22 THE COURT: On what date?

23 THE WITNESS: Sixth of December, '75.

24 Q Officer Leathers, after you advised--after the defendant
25 signed that document, did you witness it?

1 A Yes, sir, I did.

2 Q Did you sign it?

3 A Yes, sir, I did.

4 Q After you read it to the defendant, what, if anything,
5 did he say?

6 A Well, I had talked with him about some incident that had
7 happened in Durham, and he denied anything about any incidents
8 that took place in Durham. While I talked with him he made a
9 statement about an incident that happened over in Butner, North
10 Carolina.

11 Q Detective Leathers, going back to State's Exhibit One,
12 did you ask the defendant whether or not he understood what
13 you read to him?

14 A Yes, I did.

15 Q Did you ask him whether or not he could read and write?

16 A Yes.

17 Q What, if anything, did he tell you?

18 A He stated he could read and write.

19 Q Did you give him State's Exhibit One for him to read,
20 if he desired?

21 A Yes, I did.

22 Q What, if anything, did he do?

23 A He read it, and he also signed it.

24 MR. WATERS: Your Honor, at this time, the State
25 would move to introduce into evidence State's Exhibit One.

1 THE COURT: Let it be received.

2 (Rights form received into evidence as State's Exhibit One.)

3 MR. WATERS: I would ask it be read to the jury by
4 the witness?

5 THE COURT: Proceed.

6 THE WITNESS: Before we ask you any questions, you
7 must understand your rights. You have the right to remain
8 silent. Anything you say can be used against you in court. You
9 have the right to talk to a lawyer for advice before we ask you
10 any questions, and to have him with you during questioning. You
11 have this right to the advice and presence of a lawyer even if you
12 cannot afford to hire one. We have no way of giving you a
13 lawyer, but one will be appointed for you if you wish, if and when
14 you go to court. If you wish to answer questions now without a
15 lawyer present, you have the right to stop answering questions
16 at any time. You also have the right to stop answering at any
17 time until you talk to a lawyer.

18 There is a waiver beneath here which says: I have read
19 the statement of my rights shown above. I understand what
20 my rights are. I am willing to answer questions and make a
21 statement. I do not want a lawyer. I understand and know what
22 I am doing. No promises or threats have been made to me and no
23 pressure of any kind has been used against me.

24 Q Now, Detective Leathers, I understand at the time you
25 read the defendant these rights you were questioning him about

1 some incidents in Durham; is that correct?

2 A. Yes, sir, about incidents that had taken place in Durham.

3 Q. While you were questioning him about the incidents, did
4 the defendant tell you about some matter that had taken place
5 outside Durham?

6 A. Yes.

7 Q. Did he tell you what date that incident occurred?

8 A. Well, in the statement he didn't say what date, but he
9 gave me a statement. He gave me a statement here.

10 Q. When did he give you this statement?

11 A. He gave it to me--the statement is dated the 6th.

12 Q. Do you have that statement with you?

13 A. Yes, sir.

14 MR. WATERS: Your Honor, the State would ask that
15 this document be marked for purposes of identification.

16 THE COURT: Let it be marked for identification
17 only at this point as State's Exhibit #2.

18 (Written statement marked State's Exhibit #2 for identification.)

19 Q. Mr. Leathers, I show you a document which has been marked
20 State's Exhibit #2 for identification, and ask you if you can
21 identify that?

22 A. Yes.

23 Q. What is that, if anything?

24 A. A statement taken from Willie Henderson Womble.

25 Q. Who took that statement?

1 A. I did, sir.

2 Q. Is that document--how is it written?

3 A. In pen.

4 Q. Do you know who the penman of that document was?

5 A. I wrote it.

6 Q. This was in your own handwriting?

7 A. Yes, sir, my own writing.

8 Q. When did you take down the statement?

9 A. 6th of December, '75.

10 Q. Was that subsequent to the time you advised the defendant

11 of his rights as indicated in State's Exhibit #1?

12 A. Yes, sir.

13 Q. Are there any signatures on State's Exhibit #2?

14 A. Yes, sir.

15 Q. Whose signatures appear thereon?

16 A. Mr. Womble and mine.

17 Q. When you say, "Mr. Womble," are you speaking of the

18 defendant, Mr. Willie Womble?

19 A. Yes, sir, Willie Henderson Womble.

20 Q. Did you see him sign this document?

21 A. Yes, sir.

22 Q. Does this document contain three pages?

23 A. Yes, sir.

24 Q. Are the three pages stapled together?

25 A. Yes, sir.

1 Q Where on the document marked State's Exhibit #2, does
2 the signature of Willie Henderson Womble appear?
3 A On the third page on the right side.
4 Q Are there any other signatures thereon?
5 A Yes, sir, mine.
6 Q When did you place your signature there?
7 A After Mr. Womble read it and I signed it.
8 Q Now, you testified that while you were talking to Mr.
9 Womble about other matters that he indicated that he knew
10 something about what had occurred in Butner; is that correct?
11 A Yes, sir.
12 Q Is that the statement you reduced to writing about what
13 he told you what happened in Butner, North Carolina?
14 A Yes, sir, it is.
15 Q After you reduced the statement to writing, did you give
16 Mr. Womble an opportunity to read it?
17 A Yes, sir.
18 Q Did he read it?
19 A Yes, sir.
20 Q When did he read it, before or after he signed it?
21 A He read it and then he signed it.
22 Q How long did you talk with the defendant?
23 A I guess approximately 30 minutes or more.
24 Q During the time that you took the statement from the
25 defendant, did he ever complain?

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1 A. No, sir.

2 Q. Did he ever ask for an attorney?

3 A. No, sir.

4 Q. Did you promise him anything in return for this state-

5 ment?

6 A. No, sir, I did not.

7 Q. Did you threaten the defendant in any way when he made

8 the statement?

9 A. No, sir.

10 Q. At whose request did you go up--where was the statement

11 taken?

12 A. In the county jail in Durham.

13 Q. At whose request had you gone to see Mr. Womble?

14 A. Well, I had had some robbery that I wanted to talk to

15 him about, and there were other incidents in Durham I wanted

16 to talk to him about.

17 Q. During the time that you were talking with the defendant

18 taking down this statement, did he ever express a desire to you

19 to stop talking?

20 A. No, sir, he talked freely.

21 Q. Did his answers to your questions seem to make sense?

22 A. Yes, sir, they did.

23 Q. Was there any time he complained about you being there

24 questioning him?

25 A. No, sir, he did not.

1 Q Was there any other person there with you at the time
2 you took this statement?

3 A There were jailers in and about the jail, but he and
4 myself were sitting at a table alone.

5 Q Were you in a cell or in some other part of the jail?

6 A No, sir, I was not in a cell. He was out of the cell
7 and in another compartment. He was not in a cell, no, sir.

8 MR. WATERS: Your Honor, at this time, the State
9 would move to introduce into evidence a document marked State's
10 Exhibit Two, and have the witness read it to the jury.

11 THE COURT: Let it be admitted. The witness may
12 read it.

13 (Statement written in pen received into evidence as State's
14 Exhibit Two.)

15 THE WITNESS: "I, Detective Leathers, talked with
16 one Willie Henderson, black male, age 21, of 3424 Apartment D
17 Mordecai Street." This is in Durham. "Who made the following
18 statement without force, threat or promise. One night Joe
19 Perry, Albert Willis and Boo Boo came by my home and asked me
20 if I wanted to make \$20, if I would go and be the lookout for
21 them."

22 "Boo Boo was driving a 1965 or 1964 Ford, white. We
23 all left and Boo Boo drove over to Butner, North Carolina.
24 When we reached Butner, Boo Boo parked right down the street
25 from the place. At this time Joe Perry was carrying a 22

1 automatic pistol. Boo Boo had a 41 Magnum pistol. I don't
2 know what kind Albert Willis had, between a 45 and 25 automatic."

3 "After Boo Boo parked about 50 feet from the store they
4 all got out of the car, Willis, Perry and Boo Boo. I, Willie
5 Womble, stood on the outside and was the lookout man. Perry,
6 Willis and Boo Boo went in the store and stayed for about 7 to
7 8 minutes. At the time that they came out of the store they
8 all ran out of the store and got back in the car. The only one
9 with a mask on was Albert Willis. He had a stocking cap on
10 his face. Perry had a blue and red handkerchief tied together
11 around his neck. Boo Boo did not have nothing tied around his
12 neck."

13 "On the way back from Butner, Joe Perry had the money.
14 He counted it out on the way back. Perry stated he had \$210.
15 He, Perry, gave me \$20 for being the lookout. When
16 we reached my house they dropped me off. Then Joe Perry told
17 me if I said anything about what happened they was going to kill
18 me."

19 "On the next day around 12:30 p.m. Joe Perry and Albert
20 Willis came back by my sister's house. They came in and I
21 talked with Albert Willis in the bedroom. At this time he
22 stated he would not shoot anybody. Then Perry came into the
23 room and he would not say anything else that took place over in
24 Butner. I do not know the way over to the store that was robbed
25 but I would know the store if I would see same again. I do not

1 know what the others received out of this robbery that took
2 place over in Butner." He signed this, "Willie Womble," and I
3 witnessed, "L. Leathers."

4 Q What time did you witness this statement?

5 A After I wrote it and I read it to him, and had him to
6 read it, and then I signed it and gave it back to him, gave it
7 to him and he signed and I signed it.

8 Q Now, Mr. Leathers, from thereafter did you have the
9 document, State's Exhibit #2, typed?

10 A Yes, I did.

11 Q When did you have that typed?

12 A I think it was typed on the 8th, I believe.

13 Q Is that the 8th of December, 1975?

14 A Yes, sir.

15 Q Did you go back to see Mr. Womble after the document had
16 been typed?

17 A Yes, sir, I did, and I had some copies made, and had him
18 to read them and sign them, and then I signed them after he
19 read them and agreed they was correct and signed them, and then
20 I signed them.

21 Q Do you have the original of the document that was typed?

22 A I think Mr. Williams has the original. I have some copies.
23 (Typed statement marked State's Exhibit #3 for identification.)

24 Q Mr. Leathers, I show you this document which was marked
25 State's Exhibit #3, and ask you if you can identify that?

1 A Yes, sir.

2 Q What is that, if anything?

3 A This is the copy that was made from the pen written copy
4 that I made, and it was typed up and signed by Womble and myself.

5 Q When was that signed?

6 A On the 8th of December, '75, at 10:45 a.m.

7 Q And prior to the time that was signed, did you read it
8 to Willie Womble?

9 A Yes, sir, I read it to him and gave it to him. I told him
10 to read it, and then he signed it, and then I signed it.

11 Q Is that typed copy of State's Exhibit Three a copy
12 typed written of which you have written?

13 A Yes, sir.

14 Q Of the document which had been marked State's Exhibit #2?

15 A Yes, it is.

16 MR. WATERS: Your Honor, at this time, the State
17 would move to introduce into evidence State's Exhibit #3.

18 THE COURT: Let it be received into evidence.

19 (Typed statement received into evidence as State's Exhibit #3.)

20 Q Now, Mr. Leathers, when you carried this document, which
21 has been marked State's Exhibit #3, to the defendant, did anyone
22 go with you?

23 A Yes, Tony Luther was up in the jail, but he did not
24 witness the signing.

25 Q He didn't witness the signing, did he witness any other

1 part of what went on up there with the typed copy?

2 A. He was up there, but he saw me while I was reading it to
3 him. He was just there.

4 MR. WATERS: Your Honor, we would tender this witness

5 THE COURT: Cross examine.

6 CROSS EXAMINATION by MR. PARKS:

7 Q. Mr. Leathers, this alleged statement that was signed by
8 Mr. Womble, do you know for a fact that he can read? Did he
9 read every single word of this statement that you and he both
10 signed?

11 A. He said he could read. I am sure he could read, yes, sir.

12 Q. Do you know how many years of school he has finished?

13 A. No, sir, I do not.

14 Q. Did you ask him that particular question?

15 A. Well, if he told me, I forgotten it.

16 Q. Did he read this document before you, or did he just
17 silently hold it?

18 A. I read it and gave it to him to read.

19 Q. You said what, please read this?

20 A. Read this statement. I read it and then--I told him I
21 would read this statement, and then you read it, you sign it,
22 if you want to. If you don't want to, you don't have to.

23 Q. You are not actually sure he could read it or not, are
24 you? You just assume he could read it?

25 A. I have been knowing Willie for some time, and he has been

1 going to school, and he had been going to school in Durham.
2 I don't know what grade he was in, but I am sure he was beyond
3 the 5th or 6th grade.
4 Q Did you know he was a special ed student?
5 MR. WATERS: Objection.
6 THE COURT: Overruled. Well, sustained, as you have
7 phrased the question it presupposes something which at this
8 point has no proof.
9 Q Do you know what educational background he has?
10 A I know he was above the 5th or 6th grade.
11 Q But you are not sure what type student he was--
12 A No, sir, I am not.
13 Q --which would reflect his ability to read or write?
14 MR. WATERS: Object to that question.
15 THE COURT: Sustained. Next question.
16 Q Were there any other witnesses to this document other than
17 you?
18 A Well, when I was talking to him, no. While Willie and I
19 was talking there was jailers up in the compartment, and they
20 had their duties and I did not call them back there.
21 Q Basically it was you and Willie Womble in regard to this
22 statement we are talking about?
23 A That's correct.
24 Q In regard to the statement, did he make sense? Did it
25 make sense to you, the story?

1 A. Well, yes, it did.

2 Q. But were you up there investigating some other alleged
3 crime that he was being charged for, or were you up there for
4 this particular thing?

5 A. No, sir, I was up there with incidents that had taken
6 place in Durham. I had no idea about this incident. I had
7 read in the paper about Butner, but I was not up there for this
8 case. I was up there for an incident that took place in Durham.

9 Q. It was incidental then?

10 A. That's right, it was incidental. It just came up.

11 Q. You also are testifying that he waived his rights and
12 could read these rights?

13 A. Yes, sir.

14 MR. PARKS: No further questions.

15 THE COURT: Any redirect?

16 MR. WATERS: No, sir, your Honor.

17 THE COURT: Come down.

18 C. J. STEVENS, being first duly sworn, testified as follows
19 during DIRECT EXAMINATION by MR. WATERS/

20 Q. What is your name, sir?

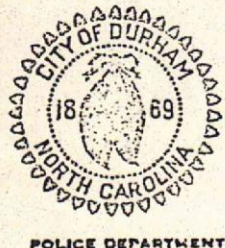
21 A. C. J. Stevens.

22 Q. Mr. Stevens, where do you live?

23 A. Route 1, Rougemont.

24 Q. Do you own any places of business?

25 A. Yes, sir.



CITY OF DURHAM
NORTH CAROLINA



POLICE DEPARTMENT

YOUR RIGHTS

County Jay
Place 12/6/75
Date 7.20 PM
Time

Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions, and to have him with you during questioning. You have this right to the advice and presence of a lawyer even if you cannot afford to hire one. We have no way of giving you a lawyer, but one will be appointed for you, if you wish, if and when you go to court. If you wish to answer questions now without a lawyer present, you have the right to stop answering questions at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER

I have read the statement of my rights shown above. I understand what my rights are. I am willing to answer questions and make a statement. I do not want a lawyer. I understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me.

Signed Willie Womble

Witness

Witness

Time

Louisa J. L. L. L.

County Jail
Dundalk, Md
1 Dec 1971

I Det L. Leathers Talked With a one
Willie Henderson Wornble Bar age 21 of
3424 apt D Mond. who made The
Following statement without Force Threat
or Promise one night Joe Perry, Alker
Willis and Boo Bar Came by My house
and asked me if I wanted To Make
Twenty Dollars If I would go and be
The Look out for them. Boo Bar was
Driving a 1965 or 1964 Ford white and
all left and Boo Bar Drove over
To Butner, N.C. When We Reached
Butner Boo Bar Parked Right Down
The Street from The Place. at This
Time Joe Perry was Carrying a 22 and
Pistol, Boo Bar had a 41 Magnum Pistol
I don't know what Kind Albert Willis
had between a 45 and 25 automatic. after
Boo Bar Parked About 50 feet from the
Store. They all got out of the Car
Willis, Perry, and Boo Bar. I Willie
Wornble stood on the out side and
was the look out man. Perry
~~Willis~~ Willis and Boo Bar went
in the Store and stayed for about
Seven To Eight Minutes. At the
time that they Come out of the

L.L.

Store They all ran out of the
Store. And got Back to the
Car the only one with a
mask on was Albert Willis
He had a Sticking Cap on
his Face. Perry had a blue
& Red Handkerchief tied to gather
around his Neck. Boo Boo did Not
have Nothing Tied around his
Neck. On The way Back from Butner
Joe Perry had The Money He
Counted it out on The way back.
Perry stated he had \$210.00 Dollars
He Perry gave me \$20.00 for ^{beer} to take
out. When he reached my house
they dropped me off. Then Joe
Perry told me if I said any
things about what happen. They was
going to kill me. On The Next Day
around 12:30 pm. Joe Perry and Albert
Willis came back by my Sister Home.
They come in and I talked with Albert
Willis in the Bed Room at this time
He stated That He would Not Shoot
any Body. Then Perry came into
the Room and he would Not say
any thing Else that took place
over in Butners. I Do Not know
The way over to The store That was Polkes
but I would know the store if
I would see some again.

I Do Not Know what The others
received out of This Robbery That
Took Place over in Butler.

Willie Womble

W. T. J. Leathers

CITY OF DURHAM NORTH CAROLINA



Durham County Jail
Durham, N. C.
Dec. 7, 1975

I, Inv. Lorenzo Leathers, talked with one Willie Henderson Womble, BM, age 21, of 3424-D Mordecai St., who made the following statement without force, threat or promise, after having been advised of his Rights and he signed a Waiver of his Rights.

One night Joe Perry, Albert Willis and Boo Boo came by my house and asked me if I wanted to make Twenty Dollars (\$20); if I would go and be the lookout for them. Boo Boo was driving a 1965 or 1964 Ford, white. We all left and Boo Boo drove over to Butner, N. C. When we reached Butner, Boo Boo parked right down the street from the place. At this time Joe Perry was carrying a 22 automatic pistol. Boo Boo had a 41 Magnum Pistol. I don't know what kind Albert Willis had; between a 45 and 25 automatic. After Boo Boo parked about 50 Ft. from the store, they all got out of the car, Willis Perry, Boo Boo. I, Willie Womble stood on the outside and was the lookout man. Perry, Willis and Boo Boo went in the store and stayed about 7 to 8 minutes. At the time that they came out of the store they all ran out of the store and got back to the car. The only one with a mask on was Albert Willis; he had a stocking cap on his face. Perry had a blue and red handkerchief tied together around his neck. Boo Boo did not have nothing tied around his neck. On the way back from Butner Joe Perry had the money. He counted it out on the way back. Perry stated he had \$210. He, Perry, gave me \$20 for being the lookout. When we reached my house they dropped me off. Then Joe Perry told me if I said anything about what happened they was going to kill me. On the next day around 12:30 PM Joe Perry and Albert Willis came back by my sister's house. They came in and I talked with Albert Willis in the bedroom. At this time he stated that he would not shoot anybody. Then Perry came into the room and he would not say anything.

CITY OF DURHAM NORTH CAROLINA

else that took place over in Butner. I do not know the way over to the store that was robbed, but I would know the store if I would see same again. I do not know what the others recieved out of this robbery that took place over in Butner.

SIGNED Willie Womble

WITNESSES:

Freng Leathers

TIME 10:45 AM
12/8/73

C.J. Stevens

Mr. Stevens testified that he is the owner of the Food Mart in Butner and Roy Brent Bullock had been working at the Food Mart for 16 months. Mr. Stevens said he left the store around 5:00 p.m. on November 18, 1975, and Roy Brent Bullock and his daughter were at the store. Mr. Stevens returned around 10:15 p.m. that night and saw that, “the cash drawer was open, the money was gone and there was blood on the floor.” Mr. Stevens testified that he used the receipts to tally that \$37.60 was missing from the drawer.³⁵ Three to five packs of cigarettes were also missing.³⁶ He testified that he had not given Womble, Willis, Frazier, or Perry permission to take money.³⁷

Defense Evidence

Willie Henderson Womble

Womble was called to testify in his own defense. The entire transcript of his testimony is included on the following pages.

³⁵ This is believed to be a mistype in the trial transcript as testimony in Perry’s trial is that \$387.60 was missing from the register.

³⁶ SBI reports indicate that Mr. Stevens realized after the homicide that only money was missing, not cigarettes. SBI File 150-H-13, Summary Report, Pg. 9.

³⁷ Id. Pgs. 40-52.

1 MR. PARKS: Yes, sir, we will have evidence.

2 THE COURT: Then I will defer until tomorrow
3 morning and let you start first. Anything further that can be
4 done tonight?

5 MR. PARKS: Not that I know of.

6 (EVENING RECESS.)

7 (The following takes place during the morning session of
8 July 7, 1976.)

9 THE COURT: Is there any evidence on behalf of the
10 defendant?

11 MR. PARKS: Yes, sir.

12 THE COURT: Call your witnesses one at a time.

13 WILLIE HENDERSON WOMBLE, being first duly sworn, testified
14 as follows during DIRECT EXAMINATION by MR. PARKS:

15 Q State your name to the Court.

16 A Willie Henderson Womble.

17 Q Where do you live, Willie?

18 A Durham, North Carolina.

19 Q What is your age?

20 A 22.

21 Q Now, Willie, as a little background on you, how many
22 brothers and sisters do you have?

23 A I have five sisters and--I have five sisters and two
24 brothers.

25 Q Were you raised by both your parents?

1 A. No.

2 MR. WATERS: Objection.

3 THE COURT: Objection sustained. Immaterial to
4 guilt or innocence.

5 Q Willie, over your past record you have been charged and
6 convicted of several things; is that true?

7 A. Yes.

8 Q Back in February, 1971, when you were 17 years old, I
9 have a record here where you were charged with store breaking?

10 A. Yes.

11 Q Can you please explain what happened when you were 17
12 in that particular charge?

13 MR. WATERS: Objection.

14 THE COURT: Sustained.

15 Q Willie, were you breaking and entering in Durham, North
16 Carolina?

17 A. Yes.

18 Q What were you found guilty of?

19 MR. WATERS: Objection.

20 THE COURT: Sustained. Under the rules of evidence
21 this is not competent on direct examination.

22 Q Well, Willie, you have been before the Court before; is
23 that true?

24 A. Yes.

25 Q And what were you found guilty of?

1 A. Breaking and entering and larceny.
2 Q. How many times?
3 A. Let's see, one time. One time guilty. Both of them
4 were larceny. Both of them were larceny, twice.
5 Q. Larceny of what?
6 A. Larceny from--larceny from a laundromat.
7 Q. A laundromat?
8 A. Yes.
9 Q. Taking what?
10 A. Clothes.
11 Q. Clothes?
12 A. Yes.
13 Q. Have you been found guilty of anything else?
14 A. No. No, sir.
15 Q. Now, these all happened when you were a teenager?
16 A. Yes.
17 Q. You haven't been charged and found guilty of anything
18 since you have been 20, 21?
19 A. No, sir.
20 MR. WATERS: Objection.
21 THE COURT: Sustained under the rules of evidence.
22 MR. PARKS: Well, we have offered into evidence a
23 certain document, I know it is #3. Your Honor, could I let
24 him look at that document?
25 THE COURT: Yes, sir. Produce State's Exhibit #3.

1 Q I would like for you to look at that, if you will.

2 A (Witness complies.)

3 Q O. K., Willie, the first thing I would like to know,

4 this is a document that a Mr. Leathers brought before the Court

5 indicating that you signed that; first of all, did you sign that

6 particular document?

7 A Yes, sir.

8 Q You did sign it. Were you able to read this complete

9 statement that you signed?

10 A No, sir.

11 Q Can you read a couple of sentences of that document to

12 the Court?

13 MR. WATERS: Objection.

14 THE COURT: Overruled.

15 A No, sir.

16 Q Will you try to read that document to the Court starting

17 with the first sentence?

18 A I can't read.

19 Q How many years of school do you have, Willie?

20 A Let's see, I was in a-I was in special education.

21 Q Special education. What was the highest grade you

22 finished in school?

23 A Fourth.

24 Q The fourth and fifth grade?

25 A No, the fourth.

1 Q The fourth grade?

2 A Yes.

3 Q After the fourth grade, did you continue to school as

4 special education?

5 A Yes, sir.

6 Q Did you have a reading problem?

7 A Yes, sir.

8 Q Did you have a writing problem?

9 A Yes, sir.

10 Q Under what conditions did you sign this statement with

11 Mr. Leathers present?

12 A You know, he--when he turned to come up to me--he turned

13 to--when he came up to me to talk to me, and he came by himself,

14 this was already wrote out. Lorenzo Leathers wrote this

15 himself. I didn't tell Leathers, Leathers none of this on

16 here. He wrote this himself.

17 Q Mr. Leathers came to you and asked you to sign something

18 that was previously written?

19 A Yes, sir.

20 Q Typed up or just written or both?

21 A First he came there that was wrote up.

22 Q It was written up in longhand?

23 A Yes, sir.

24 Q And you signed that?

25 A Yes, sir.

1 Q Then he came back?

2 A Yes.

3 Q And brought what you have in your hand writing there?

4 A Yes.

5 Q What did he say to you?

6 A Let's see. Let's see, he came up there. He came around
7 there and got around behind the cell with what he came back
8 there for was spreading me stuff back there in the book room.
9 He took me out of the cell, where he told me that, that he
10 wanted to hang Joe Perry. That was what he told me.
11 So I told him I didn't know nothing.

12 Q Wait a minute. Slow down. He said basically that he
13 wanted to hang Joe Perry, that's another person involved?

14 A Yes, sir.

15 Q And this was the reason he said that he wanted you to
16 sign this?

17 A Yes, sir, so after I signed it I didn't know what I was
18 signing. Then when he read it, I told him, I told him that
19 I ain't known nothing about none of this stuff he wrote on it.
20 Then when he turned around and told me that-that-that-that he
21 was going to hand me.

22 Q Was that confession made voluntarily?

23 MR. WATERS: Objection.

24 THE COURT: Sustained.

25 Q Willie, on November 18, 1975, will you please tell the

1 Court and the jury what you did that day and that night?

2 A. I went to work that day. I told him I went to work that

3 day. I got off work about--

4 Q. Where did you go to work?

5 A. Gilmore Plant and Bulb Company, Landscaping job.

6 Q. In what city?

7 A. Durham, North Carolina.

8 Q. You got off work about what time?

9 A. 4:30.

10 Q. Go ahead.

11 A. So then--so then when I got in off work--when I got in

12 off work, I went--I went back home, you know, I took a--washed

13 and I went outdoors. Went outdoors, you know, I went outdoors

14 and then went back to my apartment, you know, washed up. You

15 know I laid around the house about, I would say about to 7:30;

16 about 7:30, 8 o'clock, and then I went down to--I went to one

17 of my friend's house and went over there, went over there and

18 played cards,

19 Q. What were your friends named?

20 A. Leroy. Leroy and Shirley.

21 Q. You went there to their house?

22 A. Yes.

23 Q. About what time?

24 A. Between the hours of--between the hours of 7:30--between

25 the hours of 7:30, 8 o'clock.

1 Q Some time after work?

2 A Yes, sir.

3 Q You got cleaned up and went to their house?

4 A Yes, sir.

5 Q O. K., what did you do then?

6 A I stayed up there. Me and my girlfriend stayed up there

7 and played cards. We stayed there about 10:30; 10:30, 11 o'clock

8 playing cards, then I told him--I left. Then I told him--I

9 left and came back downstairs and went back to my apartment,

10 you know.

11 Q Willie, when you went to Leroy's home, did you watch

12 television late that night like the 11 o'clock news?

13 A Yes, sir.

14 Q Did you see anything on the news that you remember?

15 A No. No, sir, not as I can recall at the moment.

16 Q But you do remember seeing the news which usually comes

17 on about 11 o'clock?

18 A Yes, sir.

19 Q So you remember you were playing cards or at your friend's

20 home from after work, 6, 7, something like that, 7:30 until

21 11 that night?

22 A Yes, sir. I know, I do know that, that I was up there.

23 I was up there. I was up there 11 o'clock because usually we

24 leave--I left from up there from playing cards and watching

25 TV about 11 o'clock.

1 Q Willie, do you have a speech impediment? Have you had
2 this all your life?

3 A Yes, sir.

4 Q This is not from nervousness now, you have always talked
5 this way?

6 A Yes, sir.

7 Q Now, Willie, this visit with Leroy is directly opposite
8 of what you signed, Exhibit #3, it's just the opposite; do you
9 know that?

10 A What?

11 Q The document you have in your hand says something
12 different from what you are saying now?

13 A Yes, sir.

14 Q Which is the truth?

15 MR. WATERS: Objection.

16 THE COURT: Overruled.

17 Q In your opinion?

18 THE COURT: Well, if you get down to opinion,
19 sustained. It will be for the jury to reach their own opinion
20 and conclusion from any and all of the evidence.

21 MR. PARKS: I will retract that.

22 Q So, Willie, which is the truth?

23 MR. WATERS: Objection.

24 THE COURT: By virtue of your other questions and
25 comments, in the meanwhile I will sustain this now as a matter

1 of law. It is for the jury to determine.

2 Q Willie, that night after you left at approximately what

3 time from Leroy's house?

4 A About 11.

5 Q Where did you go then?

6 A I told him--I told him--I went back to my apartment where

7 I stayed at back downstairs.

8 Q When were you contacted by Mr. Leathers the first time?

9 A Let's see, it was on--it was on December--it was on--

10 I know it was in December the first day that they came to

11 arrest me in Durham. December 5th. I believe it was December

12 5th or the 6th.

13 Q Two or three weeks later?

14 A Yes, sir.

15 Q This was your first encounter with this?

16 A Yes, sir.

17 MR. PARKS: No further questions.

18 THE COURT: Cross examine.

19 CROSS EXAMINATION by MR. WATERS:

20 Q You have State's Exhibit #3, Mr. Womble, I believe you

21 testified that this document marked State's Exhibit #3 has

22 your signature on it; is that right, Mr. Womble?

23 A Yes.

24 Q And did Mr. Leathers sign that there in your presence?

25 A What?

1 Q Did Mr. Leathers sign this document marked State's Exhibit
2 #3 in your presence?
3 A He told me to sign, take and sign this name on it.
4 Q Did he sign his name right there, which has been marked
5 "Witness"?
6 A I am not familiar with that. I don't know if he signed
7 in my presence or not.
8 Q You don't recall whether he signed it or not; is that
9 right?
10 A No.
11 Q I ask you to look at State's Exhibit #2, and ask if thereon
12 appears your signature?
13 A Yes.
14 Q I ask you to look at this document marked State's Exhibit
15 #1, Mr. Womble, and ask you if thereon appears your signature?
16 A Yes.
17 Q Now, this document marked State's Exhibit #2, which you
18 signed, was prepared before State's Exhibit #3, was it not?
19 A I believe this one right here was the first one. I
20 believe this one right here was the first one that he brought
21 for me. I know when he brought it for me it was wrote off.
22 It wasn't typed off, it was wrote off on paper.
23 Q You signed State's Exhibit #2 before you signed State's
24 Exhibit #3; isn't that right?
25 A Yes, sir, I guess so.

1 Q Was that correct? Do you recall whether you signed
2 State's Exhibit #2 before you signed State's Exhibit #3?

3 A Yes.

4 Q And your signature appears on all documents marked State's
5 Exhibits #1, 2 and 3; is that right?

6 A Yes, sir.

7 Q Now, you have testified that you were arrested either
8 on December 5th or December 6th; is that correct?

9 A Yes.

10 Q And you were in custody at the time that Mr. Leathers
11 talked to you; is that not right?

12 A Yes.

13 Q And you went to Durham County Jail; is that true?

14 A Yes.

15 Q What you were arrested for you thought you were in a
16 whole lot of trouble; isn't that correct, Mr. Womble?

17 A No, sir.

18 Q Didn't you tell Mr. Leathers what you knew about the
19 matter in Butner so you could get some help and relief for
20 what you were charged with down in Durham?

21 A No, sir.

22 Q You know Joe Perry, do you not?

23 A Yes.

24 Q You know Albert Willis?

25 A Yes.

1 Q And do you know a person called Boo Boo?
2 A I know a whole lot of Boo Boos.
3 Q Pardon?
4 A Yes, I know quite a few Boo Boos.
5 Q Do you know the Boo Boo whose real name is Frazier?
6 A I don't know his real name.
7 Q You don't know his real name. How long have you known
8 Joe Perry?
9 A Let's see, I have been knowing--I have been--I have been
10 knowing him ever since I was about 8 or 9 years old.
11 Q You know him for a good while; is that right?
12 A Yes.
13 Q You have been good friends; is that true?
14 A No, I wouldn't say so.
15 Q You go places with him; isn't that right?
16 A Sir?
17 Q Haven't you gone places with him before?
18 A Yes, I have been places with him before.
19 Q Now, you have testified on direct examination, Mr. Womble,
20 that you have been convicted of several things; isn't that
21 true?
22 A Yes.
23 Q And for those convictions did you ever spend any time in
24 Butner, North Carolina?
25 A No.

1 Q You never spent any time at the youth center over there?

2 A No, sir.

3 Q Well, you have been to Butner; isn't that right?

4 A No, sir.

5 Q You have never been to Butner in your life?

6 A I have never been to Butner in my life.

7 Q You never seen that convenience store over there?

8 A No, sir, except that day that the two arresting officers--
9 when they came--when they came to pick me up from Durham
10 jail before they brought me to Oxford jail. They told me they
11 were to carry me to some store. They carried me to some store
12 in Butner before they brought me down here and locked me up
13 down here in Oxford jail.

14 Q Weren't you ever held in custody in Butner along with
15 Joe Perry and some of your other friends?

16 A No, sir.

17 Q Haven't you had occasion to be in that convenience store
18 before?

19 A No, sir.

20 Q Mr. Womble, you testified that you were convicted of
21 larceny; is that right?

22 A Yes.

23 Q Did you ever take from Nelotear Construction Company
24 checks valued at \$2,279.29?

25 A I didn't take it. They said I took it.

1 Q On June 14, 1971, did you rob, take some money from some-
2 body else?
3 A No, sir.
4 Q Have you ever had occasion to steal an automobile?
5 A No, sir.
6 Q You have been convicted of breaking, entering and larceny
7 more than once; isn't that right, Mr. Womble?
8 A No, sir. I have been--I ain't been convicted. I have
9 been convicted of--I have been convicted of misdemeanor breaking
10 and entering and larceny.
11 Q You were convicted to serve as a committed youthful
12 offender; isn't that right, Mr. Womble?
13 A Yes.
14 Q Where did you spend that time as a committed youthful
15 offender?
16 A In Raleigh. In Raleigh. In Raleigh and Durham.
17 Q Now, do you know Willie May?
18 A Willie May? No, I am not familiar with that name.
19 Q Didn't you go over to Butner on November 18, 1975, to
20 visit Willie May who was standing time in the youth center?
21 A No, sir, I have never been there in my life.
22 Q Do you know Willie May?
23 A No, not as I recall.
24 Q I will ask you to sit and remember, Mr. Womble, whether
25 you do in fact know him or not?

1 A I said, no, sir. No, sir.

2 Q Did you ever have occasion to play pool over there in
3 the poolroom close to the Food Mart?

4 A No, sir.

5 Q — You have never been over there?

6 A Never been over there.

7 Q Now, I believe you testified on direct examination that
8 you were working at Gilmore's Bulb Company; is that right?
9 Is that Gilmore Plant and Bulb Company, Inc.?

10 A Yes.

11 Q And did you live at 14 E. Green Street, Durham, North
12 Carolina?

13 A No. I was going with a girlfriend of mine staying on
14 Green Street.

15 Q Did you tell the people at Gilmore Plant and Bulb Company
16 your address was 14 Green Street, Durham, North Carolina?

17 A That was the address I told them--I told them--I gave
18 them at my girlfriend's.

19 Q Were you living at your girlfriend's?

20 A I was staying with her off and on. When I first got the
21 job--when i first got the job, that's where I was staying with
22 her.

23 Q When you first got the job was around December 4, 1975;
24 is that right, Mr. Womble?

25 A No, sir.

1 Q The truth of the matter is, you didn't work but two days
2 with Gilmore Plant and Bulb Company, that was December 4th and
3 5th, 1975; is that right?

4 A That was before--that was before. I told him I got laid
5 off. I told him I got laid off and went back and got a job.
6 I told him I went back and got a job on December 4, December
7 3rd or 4th.

8 Q You worked with them before and was laid off and went
9 back with them December 4th?

10 A That's right. I had to go through the employment--I had
11 to go through the employment office and take and get--see, the
12 employment office, they were giving--they were giving out the
13 jobs, so I had to go back to the employment office to get the
14 card. Go to the employment office to get the card. The card
15 to carry back to the company. They told me I had to get the
16 card from the employment office because the company I was working
17 for, they was not from Durham. They told them I had to go
18 through the employment office to get the card.

19 Q You went back to work with them on December 4, 1975, and
20 you stayed there December 4th to December 5, and then you were
21 arrested; is that right?

22 A Yes, sir.

23 Q And you were arrested on the charge that didn't have any-
24 thing to do with this Butner case; isn't that right, Mr. Womble?

25 A Yes, sir.

1 Q And you thought you were in a lot of trouble because you
2 were arrested on that, and you had some information, didn't you,
3 Mr. Womble?

4 A No, sir.

5 Q Didn't you tell Mr. Leathers what you told him in the
6 document so you could get out of trouble over there in Durham?

7 A No, I didn't.

8 Q You didn't tell him that?

9 A No, I didn't.

10 Q Isn't the truth of the matter, Mr. Womble, when you
11 were discharged at the preliminary hearing over in Durham you
12 changed your mind what you told Mr. Leathers; isn't that true?

13 A I did not. I did not have a preliminary hearing in
14 Durham. I told him--I told him--I know I went down to court
15 there, that's when they appointed me a lawyer. A lawyer in
16 Durham.

17 Q Mr. Womble, you know that criminals sometimes tell on
18 each other to help themselves out to get out of trouble, don't
19 you?

20 A No, sir.

21 Q Have you not told on people before and got in trouble?

22 A Had not told on people before and got in trouble?

23 Q Yes, sir, Mr. Womble.

24 A No, sir, I don't think so.

25 Q You don't think so?

1 A. No, sir.

2 Q. You never gave information to things you knew about or
3 things you participated in to get other people in trouble to
4 get out yourself; is that right?

5 A. No, sir.

6 Q. You also testified, I believe, on direct examination,
7 Mr. Womble, as I recall your testimony, that Mr. Leathers told
8 you he wanted to hang Joe Perry up, and then he read it off.
9 When you say he read it off, Mr. Womble, weren't you talking
10 about this document here which is marked State's Exhibit #2?

11 A. See, he brought--see, he brought--see, he had wrote that
12 up himself. He wrote that up himself, and he told me to sign
13 that. After I signed it, that's when he came over with all
14 the stuff and got to talking about--got to talking about
15 something that happened down there in Butner. He told me that
16 they had a feeling that Joe Perry, Albert Willis and Boo Boo--
17 he kept on calling Boo Boo, that Boo Boo did it, that they did
18 it.

19 I told him that--I told him that, that I didn't know
20 nothing about it. Then when he throwed that piece of paper
21 on me, he said that I was going to sign, "Sign that, What I am
22 trying to do, I am trying to hang Joe Perry." He told me,
23 "What I am trying to do is hang Joe Perry."

24 Then he turned around and told me he is going to try to
25 hang me too, that's exactly what he told me.

- 1 Q So you signed this document not knowing what it was; is
2 that right?
- 3 A That's right.
- 4 Q Why in the world did you do that, Mr. Womble?
- 5 A I told when they--he came over there the same day. They
6 locked me up. They locked me up in custody. When they--when
7 they first came down there in the project and locked me up in
8 custody, and I was high that day. When they first locked me
9 up that day--
- 10 Q What were you high on?
- 11 A What?
- 12 Q What were you high on?
- 13 A I was high off of beer.
- 14 Q You were high off of beer? Weren't you high off something
15 else?
- 16 A No.
- 17 Q So you now say everything written out here is a product
18 of Mr. Leathers' own imagination; isn't that right?
- 19 A It sure is.
- 20 Q You signed this document not knowing what it is; is that
21 what you are saying?
- 22 A Yes.
- 23 Q You signed State's Exhibit one and two not knowing what
24 it is; is that right?
- 25 A That's right.

1 Q When you signed under here where it states, "I have read
2 this statement of my rights shown above. I understand what
3 my rights are. I am willing to answer questions and make a
4 statement. I do not want a lawyer. I understand and know what
5 I am doing. No promises or threats have been made to me and
6 no pressure of any kind has been used against me. Signed
7 Willie Womble." You are saying you didn't know what you were
8 signing; is that right, Mr. Womble?

9 A I sure don't.

10 Q Now, you are saying State's Exhibit #2, you didn't know
11 what that was when you signed it; is that right?

12 A That's right.

13 Q When you signed State's Exhibit #3, you didn't know that
14 was a typed copy of State's Exhibit #2; is that correct?

15 A That was all wrote up by him. I didn't tell him. I
16 didn't tell him nothing on there, nothing on the sheet of
17 paper right there. That was all wrote up by Detective Lorenzo
18 Leathers.

19 Q Now, you testified that you signed this, and didn't know
20 what it was; isn't that correct?

21 A Yes, that's what I told him.

22 Q And you testified State's Exhibit #3 was prepared some
23 time later on, and you came back and signed that; isn't that
24 right?

25 A Sir?

1 Q You testified that State's Exhibit #3 was prepared some
2 time later on after State's Exhibit #2; isn't that correct,
3 Mr. Womble?

4 A I took and said--I know--I know--I know all--I know all
5 of them were signed at the same day.

6 Q Now, Mr. Womble, you testified after you signed this
7 and Lorenzo Leathers told you what was in it, he told you he
8 was going to hang you; isn't that right?

9 A What?

10 Q Isn't that what you just told us?

11 A That's what he told, he was going to hang--

12 Q He told you he was going to hang you after signing
13 State's Exhibit #2; is that right?

14 A That's right.

15 Q Why did you sign State's Exhibit #3, which is a typed
16 written copy of State's Exhibit #2?

17 A When he came back up there--when he came back up there,
18 he--he--he came himself pressuring me. When he came back up
19 there, he had Joe Momier sitting and N. T. Williams. When
20 they got me all lined up trying to blow their breath all in
21 my face trying to crowd me and stuff, that's what they were
22 trying to do.

23 Q You signed State's Exhibit #3 because they were doing
24 that; is that right?

25 A That's right, I sure did.

1 Q And you knew what you were signing when you signed State's
2 Exhibit #3?
3 A I didn't know what I was signing.
4 Q You didn't know it was a typed copy of State's Exhibit
5 #2?
6 A I know--I know--I know I didn't tell them nothing whats
7 on that paper right there.
8 Q Mr. Womble, you knew after you signed State's Exhibit
9 #2 that you were in trouble because you said Mr. Leathers
10 told you he was going to hang you too; isn't that correct?
11 A That's what he told me.
12 Q The only reason you signed is because somebody was breath-
13 ing hot breath in your face?
14 A They were pressuring me, getting all up in my face breathing
15 breath down my neck like they wanted to jump on me.
16 Q Didn't they tell you you had a right to a lawyer?
17 A They ain't bring no lawyer, like my lawyer came up there.
18 All three, they was already---they was already back there in
19 the room trying to press me, trying to buy me cigarettes and
20 stuff.
21 Q Mr. Womble, you have been in trouble before, and you had
22 lawyers appointed before; isn't that right?
23 A That's right.
24 Q You knew you had a right when you were talking to the
25 officer for a lawyer; isn't that correct?

1 A You are speaking so I can't understand what you are
2 saying.

3 Q You knew when you were talking to Mr. Leathers, you
4 knew you had a right to an attorney; isn't that right?

5 A They weren't talking about no attorney then.

6 Q Why didn't you tell them you wanted an attorney in
7 there to get the hot breath off you?

8 A I felt like at the moment, at the moment all of them
9 in there were trying to crowd me. I felt like if I would have
10 told them, told them I wanted a lawyer at the moment, they
11 wouldn't have brought none in there. They wouldn't have brought
12 one in there.

13 Q The truth was, Mr. Womble, you were trying to be buddies
14 with Mr. Leathers and Mr. Momier because you thought this
15 information would get you out of trouble.

16 A That was wrong.

17 Q You told them everything you knew because you felt you
18 would get out of the trouble over there in Durham.

19 A That's wrong.

20 THE COURT: Sustained to repetition.

21 Q Mr. Womble, going back to Gilmore Plant and Bulb Company,
22 if you were employed before December 4, and laid off before
23 that time, when were you employed and laid off?

24 A What?

25 Q When were you employed by Gilmore Plant and Bulb Company?

1 A. I was employed at Gilmore Plant--I was employed at
2 Gilmore Plant and Bulb right after I left--left from up at the
3 service station.

4 Q. You were employed at Gilmore Plant and Bulb in October?

5 A. Yes.

6 Q. When did you leave there?

7 A. I told them--I left Gilmore---I left Gilmore Plant and
8 Bulb in November, November 26th, and then I told them--I
9 went back to the employment office and told them at the
10 employment office. I believe I started back on the job
11 December 4th, December 4, 1975, and then I worked there two
12 days, and then that's when I got arrested.

13 Q. Where were you living on December 5, 1975?

14 A. I was staying on Mordecai Street then with my sister.

15 Q. How long had you been living on Mordecai Street?

16 A. I would say about a month, a month and a half.

17 Q. What was your address at Mordecai Street?

18 A. It was 3424 Apartment E, I believe that's right.

19 Q. So you were at 3424 Apartment D Mordecai; is that right?

20 A. No.

21 Q. Your sister doesn't live there at 3424 Apartment D
22 Mordecai, she didn't live there December 6, 1975?

23 A. No.

24 Q. Mr. Womble, you say the only time you have been to
25 Butner in your life was when the two Durham people carried you

1 by the Granville County Jail?

2 A No, I didn't say the two Durham persons. I'm talking
3 about the two here, Joe Momier and N. T. Williams.

4 Q You were already in the Durham jail?

5 A They came and got me from Durham County on my way--on
6 my way to bringing me down here to Granville County Jail. Joe
7 Momier and N. T. Williams, they carried me to some store.
8 They told me they were going to carry me to some store in
9 Butner, North Carolina, and then they told me they were going
10 to carry me down there to the police station, or somewhere
11 from the police station there to Granville County Jail.

12 Q You went over to Butner, didn't you, and pointed out to
13 them where the robbery occurred?

14 A No, I sure didn't.

15 Q Didn't you point out where you parked the car before
16 you went into the store?

17 A No, I sure didn't. They told me they were going to
18 carry me to the store. They carried me to the store, and they
19 told me that that was the store that the man had got shot and
20 killed, and they asked me had I ever seen that store before.
21 I told them, "No."

22 So N. T. Williams got out and went on the inside of the
23 store to have people come and look there in the window on me
24 and stuff, seeing, asking people down there, asking people down
25 there can they recognize me, had they ever seen me before.

1 Q What kind of store was it, Mr. Womble?

2 A I didn't get a good look at the store because when they
3 carried me--because when they carried me down there at that
4 time I was trying to get away from carrying me to places like
5 that. Really I was scared. I wasn't paying that much attention
6 to the store.

7 Q So you went to that store, you didn't pay any attention
8 to it, and you couldn't describe it now; is that right?

9 A I know it was a brick store. I know it was a brick
10 store, and when he drove up there, when he drove up there in
11 front of the store, he told them to park the car up there in
12 front of some gas pumps or something.

13 Q How long have you known Joe Perry?

14 A I have been knowing Joe Perry ever since I was about 9
15 years old.

16 Q How long have you known Albert Willis?

17 A I have been knowing--I have been knowing Albert Willis
18 a couple of years.

19 Q What kind of car were you driving on November 19, 1975?

20 A I don't know. I didn't see Joe Perry that day.

21 Q Did you see him any time during November 1975?

22 A No, I didn't see Joe Perry none during that time in
23 November.

24 Q Did you see him any in October?

25 A I told him I seen him. I told him I seen him about the

1 middle, about the middle part of October. You see, me and Joe
2 Perry, me and Joe Perry was staying, me and Joe Perry was
3 staying on the same street one time.

4 Q Do you know what kind of pistol Joe Perry had?

5 A No, I sure don't.

6 Q Did you ever see him with a pistol?

7 A No.

8 Q You never seen Joe Perry with a pistol, Mr. Womble?

9 A No, I had never--I had never seen Joe Perry with a pistol
10 since I have known him.

11 Q Didn't you tell Mr. Momier and Mr. Williams where he
12 hid the pistol?

13 A No.

14 Q Didn't you tell what he did with the pistol after the
15 robbery was over with?

16 A No, I sure didn't.

17 Q You didn't tell him where the pistol was up in an attic
18 up in the apartment?

19 A No.

20 Q Mr. Womble, when you signed State's Exhibit #3, you say
21 you didn't know what that was either; is that right?

22 A That's right.

23 Q Didn't you realize that State's Exhibit #3 was the exact
24 typed written copy of State's Exhibit #2; is that correct?

25 A No, sir.

1 Q When you signed State's Exhibit #1, you didn't know what
2 that was; is that right?

3 A That's right.

4 Q Have you ever had occasion to be advised of your consti-
5 tutional rights?

6 A Yes, I have been advised of my constitutional rights
7 before.

8 Q Didn't Mr. Leathers advise you of your constitutional
9 rights when he came up and talked to you in the jail that
10 evening when he had the statements with him marked State's
11 Exhibit #2?

12 A No. I can't say that Lorezo Leathers advised me. I know--
13 I know Lorenzo Leathers told me to put that in front of me and
14 told me to put my name down there and sign it.

15 Q And you just signed it because he told you to?

16 A That's right. He was blowing all on me, crowding me and
17 stuff.

18 Q You sign anything a policeman puts in front of you; isn't
19 that correct?

20 MR. PARKS: Objection.

21 THE COURT: Sustained.

22 Q Weren't you convicted, Mr. Womble, of breaking and
23 entering and larceny in 1974?

24 A Yes.

25 Q Weren't you also convicted of breaking and entering and

1 larceny shortly after March of 1974?

2 A. March of '74?

3 Q. Yes.

4 A. I know they tried to arrest me. It was sometime in
5 February, sometime in February '74. I know it was sometime
6 in February of '74. I know I wasn't arrested. I wasn't
7 charged with only one thing in '74 that I can remember. I
8 believe that took place sometime in '74, February of '74.

9 Q. Then you were convicted twice of breaking and entering
10 and larceny in '74; isn't that right?

11 A. No, sir.

12 Q. Didn't you just testify a few moments ago you were
13 convicted?

14 A. The first time I was convicted that was in January,
15 January of '72. It was in '72.

16 Q. Was that from larceny from an automobile?

17 A. No, it sure wasn't.

18 Q. What were you convicted of in January of '72?

19 A. Larceny, misdemeanor larceny.

20 Q. Were you convicted in February 1971 of larceny?

21 A. February 1971? I might have had, but not as I can
22 remember. I can't remember.

23 MR. WATERS: I believe I have no other questions,
24 your Honor.

25 THE COURT: Any redirect?

1 MR. PARKS: Yes, sir.

2 REDIRECT EXAMINATION by MR. PARKS:

3 Q Willie, how long have you been in jail since you were
4 arrested for this particular charge?

5 MR. PARKS: Objection.

6 THE COURT: Sustained.

7 Q Willie, when you were arrested, and you first met me,
8 what were you charged with?

9 MR. WATERS: Objection.

10 THE COURT: Sustained.

11 Q Willie, was the charge of armed robbery back in December
12 of '72 dropped?

13 MR. WATERS: Objection.

14 THE COURT: Sustained.

15 Q Willie, are you testifying now that this particular
16 document, Exhibit #3, was presented to you for you to sign
17 it, and you could not read it, and you were pressured at the
18 time?

19 A Yes, sir.

20 MR. WATERS: Objection.

21 THE COURT: He already answered.

22 MR. WATERS: Move to strike.

23 MR. PARKS: I have no further questions.

24 THE COURT: Overruled. Come down, sir.

25 LEROY WALTERS, being first duly sworn, testified as follows

Leroy Walters and Shirlyn Walters

Leroy and Shirlyn Walters were called as alibi witnesses for Womble. The entire transcript of their testimony is on the following pages. Mr. Walters is now deceased. Ms. Walters has been subpoenaed to testify at the Commission Hearing on June 2-3, 2014.

The Walters both testified that November 18, 1975 was a Tuesday. The Commission staff has been able to confirm that November 18, 1975 was a Tuesday.³⁸

Both Leroy and Shirlyn Walters mentioned specific television shows during their testimony. According to internet archives, in 1975, "\$10,000 Pyramid" aired Mondays through Fridays. "A Family Affair" only aired new episodes from 1966-1971 and local rerun airings could not be located. In 1975, "Good Times" aired on Tuesdays at 8:00 p.m. on CBS.³⁹

³⁸ www.dayoftheweek.org; www.Wikipedia.com, and www.timeanddate.com.

³⁹ www.wikipedia.com and www.TVGuide.com.

1 MR. PARKS: Yes, sir.

2 REDIRECT EXAMINATION by MR. PARKS:

3 Q Willie, how long have you been in jail since you were
4 arrested for this particular charge?

5 MR. PARKS: Objection.

6 THE COURT: Sustained.

7 Q Willie, when you were arrested, and you first met me,
8 what were you charged with?

9 MR. WATERS: Objection.

10 THE COURT: Sustained.

11 Q Willie, was the charge of armed robbery back in December
12 of '72 dropped?

13 MR. WATERS: Objection.

14 THE COURT: Sustained.

15 Q Willie, are you testifying now that this particular
16 document, Exhibit #3, was presented to you for you to sign
17 it, and you could not read it, and you were pressured at the
18 time?

19 A Yes, sir.

20 MR. WATERS: Objection.

21 THE COURT: He already answered.

22 MR. WATERS: Move to strike.

23 MR. PARKS: I have no further questions.

24 THE COURT: Overruled. Come down, sir.

25 LEROY WALTERS, being first duly sworn, testified as follows

1 during DIRECT EXAMINATION by MR. PARKS:

2 Q Please state your name and address to the Court.

3 A Leroy Walters, 3420 Mordecai.

4 Q Leroy are you related in any way to Mr. Willie Womble?

5 A No, sir.

6 Q How did you know Mr. Womble?

7 A Well, he was a neighbor downstairs.

8 Q Now, we are concerned about your information of what
9 happened on November 18, 1975, on that particular night,
10 could you please relate to the Court when you saw Mr. Womble,
11 where you saw him, what you all did?

12 MR. WATERS: Your Honor, I object to the leading.

13 THE COURT: Overruled. Go ahead.

14 Q Well, I went to work that day. When I came home about
15 5 he met me on the porch, and he said, him and his little
16 brother, "Are you going to play some cards tonight?"

17 I said, "Yeah, you know, as soon as I wash up."

18 He said, "About what time?"

19 I said, "O. k., come up about 7." So about 7 o'clock
20 he knocked on the door, he and his brother and his girlfriend.
21 We started watching t.v., and, let's see, Family Affair.
22 After Family Affair, it was a Tuesday night, and \$10,000
23 Pyramid, and then Good Times, and after Good Times I cut the
24 t.v. down low and we started playing cards and listening to
25 music.

1 Then about 11 o'clock, we quit and turned on the news.
2
3 It was about Butner, a murder in Butner. I ran and cut the
4 t.v. up and he was fixing to leave. I said, "Wait a minute,
5 let's watch this." He sat down, and he and his girlfriend and
6 his brother heard that and everything. Then about 11:15 I
7 said, "O.k., well, I will see you tomorrow," and he left.

8 Q You all were playing cards, did you say what, Spades?

9 A Right.

10 Q Again, about what time did he come over to your house?

11 A Seven.

12 Q About 7 o'clock, and he stayed there until--

13 A Eleven.

14 Q The news had started at 11?

15 A 11 o'clock.

16 Q A little after 11 he left because the news came on at
17 11?

18 A Right. Channel 11 Eye Witness News.

19 Q He was definitely in your home November 18?

20 A 18th.

21 Q That was a Tuesday?

22 A Right.

23 Q 1975?

24 A Right.

25 Q Who else was there other than Willie and his girlfriend
 and you?

1 A. My wife.

2 Q. Her name?

3 A. Shirlyn Walters.

4 Q. What do you do for a living?

5 A. Plaster.

6 Q. Have you ever been charged or convicted of anything?

7 A. No, sir.

8 MR. PARKS: No further questions.

9 CROSS EXAMINATION by MR. WATERS:

10 Q. You are Leroy Walters; is that right?

11 A. Right.

12 Q. Have you ever lived at 500 Eugene Street?

13 A. Right.

14 Q. Have you been convicted of unsafe movement?

15 A. No.

16 Q. You never have been convicted of failing to drive a

17 vehicle on the right side of the highway?

18 A. No.

19 Q. You never have been convicted of improper equipment?

20 A. No.

21 Q. Were you involved in a larceny on about February 25, 1971?

22 A. No.

23 Q. You say that Willie Womble lived downstairs; is that

24 right?

25 A. Right.

1 Q Did he live at 3424 D Mordecai?
2 A Yes.
3 Q Is that his apartment number?
4 A Yes.
5 Q How long had he been living there, do you know?
6 A When I first met him it was October. He came from
7 across town living with his aunt, and he started staying with
8 his sister.
9 Q Now, his sister then lived at 3424 D Mordecai?
10 A No, 3420, not 24.
11 Q 3420 Mordecai Street?
12 A Right.
13 Q And you lived in what apartment number?
14 A E.
15 Q And they lived in D, which was downstairs?
16 A Right. No, upstairs. Let me see, yes, D.
17 Q They lived in 3420 D Mordecai?
18 A Yes.
19 Q You lived in E upstairs?
20 A Right.
21 Q You say you are not related to Willie Womble in any way?
22 A No, sir.
23 Q You are not related to him by blood or marriage?
24 A No, sir.
25 Q Just a neighbor of his?

- 1 A. Right.
- 2 Q. You just happened to be good friends on November 18, 1975;
- 3 is that right?
- 4 A. Right.
- 5 Q. Now, you testified, I believe, that you turned on the
- 6 news about 11 o'clock; is that right, Channel 11 Eye Witness
- 7 News?
- 8 A. Right.
- 9 Q. I believe you also testified there was on the news
- 10 screen about a murder in Butner?
- 11 A. Right.
- 12 Q. Describe exactly what the news had on there?
- 13 A. It showed a convenience store and sheriff cars and stuff
- 14 like that.
- 15 Q. It showed the convenience store, sheriff cars?
- 16 A. Right.
- 17 Q. What else did it show?
- 18 A. That's about it.
- 19 Q. What did they say about the murder over there?
- 20 A. It didn't say anything. It just said a murder had been
- 21 committed and the murderers are at large at this time.
- 22 Q. Now, that was about what time that came on during the
- 23 news?
- 24 A. Five minutes past 11.
- 25 Q. Five minutes past 11?

1 A Right.

2 Q That was on November 18, 1975?

3 A Right.

4 Q Mr. Walters, could it have been November 19, 1975 that

5 you were watching that program?

6 A No.

7 Q Can you explain to this Court and to this jury how in

8 the world you could watch a news story about a murder on

9 November 18, 1975, when the victim didn't die until November

10 19, 1975, the next day?

11 A It was November 18th.

12 Q And you saw a news story on November 18, 1975, about a

13 murder nobody knew anything about?

14 A It was November 18th because they showed it at 11 o'clock.

15 Q Mr. Walters, you weren't in Court when counsel for the

16 defendant and State stipulated Roy Brent Bullock did not die

17 until 12:20 a.m. on November 19, 1975; is that right?

18 MR. PARKS: Objection.

19 THE COURT: Sustained as phrased.

20 Q Were you in court yesterday when the State and defense

21 counsel stipulated the time of death?

22 A Was I in Court?

23 THE COURT: Were you in Court yesterday on this case?

24 THE WITNESS: No.

25 Q Yet you say you saw on t.v. the story of a murder that

1 occurred on that night; isn't that right?

2 A. It was either a murder or a shooting, one or the other.

3 Q. Now you say it was a shooting; is that correct?

4 A. Murder or shooting, either one of them. Its been so
5 long now.

6 Q. Has it been so long you might not be able to remember
7 whether or not it was November 18 or 19th?

8 A. I know he was at my house that night.

9 Q. You know he was at the house on the night it came on t.v.
10 about the murder over in Butner?

11 A. Right..

12 Q. And about the time the news team was there and showing
13 on t.v. the sheriffs' cars?

14 A. Right.

15 Q. And the news story occurred November 19, 1975, that
16 would have been the night he was there; is that right?

17 A. No, 18th.

18 Q. You know it was November 18th; is that right?

19 A. Right..

20 Q. When did you have occasion to talk to Mr. Parks here
21 about whether Willie Womble was at your house on November
22 18th, 1975?

23 A. After his mother--she got a lawyer, and I talked to him
24 on the phone about a week later.

25 Q. You talked to Mr. Parks on the phone?

1 A. Right.

2 Q You remember it was on a Tuesday, and you remember it
3 was on November 18, 1975; is that right?

4 THE COURT: Sustained as repetitious.

5 MR. WATERS: I believe I have no further questions.

6 THE COURT: Any redirect examination?

7 MR. PARKS: No questions.

8 SHIRLYN WALTERS, being first duly sworn, testified as follows
9 during DIRECT EXAMINATION by MR. PARKS:

10 Q Please state your name to the Court and jury.

11 A Shirlyn Walters.

12 THE COURT: Spell your first name please.

13 THE WITNESS: S-h-i-r-l-y-n.

14 Q Shirlyn, do you work?

15 A Yes, I do.

16 Q Where?

17 A Pic 'n Pay Shoes.

18 Q Are you related to Willie Womble?

19 A No, I am not.

20 Q How do you know Mr. Womble?

21 A I met him through his sister.

22 Q How long ago, approximately?

23 A I would say about 9 months ago.

24 Q Nine months ago?

25 A Yes.

1 Q Shirlyn, we are concerned about your observations on
2 November 18, 1975. Will you please relate to the Court when
3 you saw Mr. Womble, if at all, and what you all did that
4 afternoon and night.

5 A Well, I saw him that morning right before I went to
6 work, because his girlfriend and him was out there on the
7 porch, and they asked me for a cigarette.

8 Q What day is that?

9 A The 18th.

10 Q What day of the week, do you recall, off hand?

11 A No. I got home about 5, and they met my husband and
12 I as we were coming up the walk. Him and his brother, they
13 asked us if we were going to play some cards. My husband
14 told them to come upstairs about 7 o'clock. They came up there
15 and we watched t.v., and then after we watched Good Times we
16 started playing cards.

17 Q You watched a series of programs, then you got to Good
18 Times, and then you started playing cards?

19 A Yes.

20 Q Do you remember what you played?

21 A Played Spades. We played that until 11 o'clock. Right
22 before they left the news came on, and on the news it had a
23 shooting in Butner.

24 Q A shooting in Butner?

25 A Yes, so then he stayed up there because Leroy told him

1 to wait a minute. He stayed up there and watched that with
2 us, and then about 11:15--
3 Q Who stayed up there?
4 A Him.
5 Q Willie Womble?
6 A Yes.
7 Q O. k.
8 A And his girlfriend and his brother.
9 Q And his brother? About 11:15 all of them left?
10 A Yes.
11 Q So they arrived about what time?
12 A About 7 o'clock.
13 Q And they left about what time?
14 A 11:15.
15 Q Who was present in the home that night?
16 A It was Willie, his girlfriend, Gale, his brother, Barron,
17 my husband and I.
18 Q Have you ever been charged or convicted of any crime?
19 A They said I took some shoes out of King's, which I didn't.
20 Q Were you convicted of it? Were you convicted of that
21 charge?
22 A I don't know. The only thing I did was pay the fine and
23 went home.
24 Q Anything else?
25 A No.

1 Q How old are you?

2 A 21.

3 MR. PARKS: No further questions.

4 THE COURT: Cross examine.

5 CROSS EXAMINATION by MR. WATERS:

6 Q Is your middle name Upchurch?

7 A No, that's my maiden name. My middle name is Lavaughn.

8 Q Your maiden name is Upchurch?

9 A Yes.

10 Q Did you live at 500 Eugene Street in Durham?

11 A Yes.

12 Q Were you born in Philadelphia, Pennsylvania?

13 A Yes.

14 Q Were you born on November 19, 1954?

15 A Yes, I was.

16 Q And on July 19, 1972, were you not convicted of the
17 crime of larceny?

18 A They said I took the shoes, but I didn't.

19 Q Well, you were found guilty and paid \$25 and costs;
20 is that right?

21 A Yes.

22 Q You were convicted, were you not?

23 THE COURT: Sustained to argument. Next question.

24 Q Now, you say you were home watching t.v. with your
25 husband, Willie Womble, his girlfriend and brother?

- 1 A. Yes.
- 2 Q. Did you see, as your husband did, the sheriffs' cars
3 and the pictures of the convenience store and so forth?
- 4 A. Yes.
- 5 Q. You say that the news said there was a shooting in
6 Butner; is that right?
- 7 A. Right.
- 8 Q. Did it say anything about a murder?
- 9 A. No. The only thing it said was a shooting in Butner,
10 North Carolina.
- 11 Q. If it turned out that the t.v. coverage was actually
12 the next night, then that would have been November 19th that
13 Mr. Womble was at your house; isn't that right?
- 14 A. He came up there the 18th and the 19th because I re-
15 member it was the day before my birthday.
- 16 Q. But you remember the very night on November 18, 1975,
17 the very night of the armed robbery that you saw pictures
18 of the convenience store and sheriffs' cars; is that right?
- 19 A. Right.
- 20 Q. And it appeared to be dark when they were taking these
21 pictures?
- 22 A. I don't even know, because one time it looked dark and
23 then by the camera it looked light. I don't know even which
24 one it was.
- 25 Q. So you don't know whether it was dark when they filmed

1 this or not; is that right?

2 A. No, I don't.

3 Q. If it was taken at night, it would have had to be dark,
4 isn't that true?

5 THE COURT: Sustained as to argument.

6 Q. What is Willie Womble's girlfriend's name?

7 A. Gale.

8 Q. Gale what?

9 A. I don't know her last name.

10 MR. WATERS: I have no further questions, your
11 Honor.

12 THE COURT: Any redirect?

13 MR. PARKS: No, sir.

14 THE COURT: Come down.

15 MR. PARKS: Your Honor, that's the case for the
16 defense.

17 THE COURT: The defendant rests, will there be
18 evidence for the State in rebuttal?

19 MR. WATERS: Yes, sir. Your Honor, before putting
20 on rebuttal evidence the State would move for the morning
21 recess.

22 THE COURT: Seeing the time, we will allow it.

23 Members of the jury, we will stop at this point and
24 take a morning break of 15 minutes. You will be permitted to
25 step out. Keep an open mind about the case. Do not talk with

State's Rebuttal Evidence

Det. Lorenzo Leathers

The state called Det. Leathers from the Durham Police Department as rebuttal evidence. The transcript of his entire rebuttal testimony is on the following pages.

1 or associate with or be with any of the witnesses or people
2 connected with this trial during this break. Keep an open
3 mind. The Court is in recess.

4 (Morning recess.)

5 MR. WATERS: Your Honor, first of all the State
6 would like to ask Mr. Leathers to take the stand. He has
7 already been sworn.

8 THE COURT: Just come back to the stand. He has
9 already been sworn.

10 LORENZO LEATHERS, being previously sworn, resumes the stand
11 and testifies as follows during REDIRECT EXAMINATION by MR.
12 WATERS:

13 Q Mr. Leathers, I show you this document here, which has
14 been marked State's Exhibit Two, and ask you whether or not
15 when you talked with the defendant on December 6, 1975, you
16 had carried that document already written out and a place for
17 his signature prior to the time you ever talked with him?

18 A No, sir. As he told me I wrote it down, and after he
19 told me about it, I went over it again with him, and had him
20 to sign it and then I signed it.

21 Q When you say you went over it again with him, did you
22 read it to him?

23 A Yes, sir.

24 Q Did he appear to you to understand what the contents of
25 State's Exhibit #2 was?

A Yes, sir, he did.

1 Q Now, Mr. Leathers, I show you the document which has
2 been marked State's Exhibit #3, which you testified earlier
3 was a typed written copy of State's Exhibit #2; is that right?

4 A Yes, sir.

5 Q How much later in time did you go down and see Mr.
6 Womble with regard to State's Exhibit #3, and ask him to
7 sign it?

8 A I went back on the 8th of December, '75.

9 Q Was that almost two days later?

10 A Yes, sir.

11 Q Were there any other persons with you when you carried
12 State's Exhibit #3 back with you?

13 A I was by myself.

14 Q Was Joe Momier with you from the State Bureau of Investi-
15 gation?

16 A No, sir.

17 Q Was Joe Williams with you?

18 A No, sir.

19 Q Were you breathing hot breath on Willie Womble when he
20 signed State's Exhibit #3?

21 A No, sir, I did not.

22 Q Did you read State's Exhibit #3 prior to the time he
23 signed it?

24 A Yes, sir.

25 Q What did you tell him with regard to the signature on that

1 document?

2 A When I went over it with him, I gave it to him to read,
3 and then he signed it and then I signed it.

4 Q Did you ever tell Mr. Womble you were going to hang
5 him?

6 A No, sir.

7 MR. WATERS: Your Honor, we would tender this
8 witness.

9 THE COURT: Cross examine.

10 RECROSS EXAMINATION by MR. PARKS:

11 Q Mr. Leathers, were you investigating another matter
12 when you saw Willie Womble at this time?

13 A Yes, sir, that took place in Durham.

14 Q And you were by yourself?

15 A Yes, sir, I was by myself.

16 Q Was this investigation in relation to an Albert Willis,
17 Joe Perry or Boo Boo?

18 A No, sir, it was not related to those.

19 Q Were you at all investigating a crime in relation to
20 Joe Perry, Albert Willis or Boo Boo?

21 A I was investigating crimes that took place in Durham,
22 and I did not know who were involved in them.

23 Q Nothing with regard to Butner?

24 A No, sir, nothing with regard to Butner.

25 Q In regards to Exhibit #2, which is the hand written

1 document, and in regard to Exhibit #3, were these signed at
2 the same time?

3 A. No, sir. The pen written statement was signed first,
4 and then the typed statement was signed at a later date.

5 Q. What does a later date mean?

6 A. It means the date that took place after the signing of
7 the first one.

8 Q. Was it two hours later or two days later?

9 A. It was signed on 12/8/75, sir.

10 Q. 12/8/75?

11 A. Yes, sir.

12 Q. One was signed and when was the other one signed?

13 A. 6th of December, 1975.

14 Q. Two days difference?

15 A. Yes, sir.

16 Q. Now, can you recall to the best of your ability whether
17 Mr. Womble read this statement at all a loud before he signed
18 it?

19 A. I gave it to him to read. I can't recall whether he read
20 it a loud or not.

21 Q. Have you ever in your experience had people to sign
22 things they could not read to your knowledge?

23 MR. WATERS: Objection.

24 THE COURT: Sustained. Do not consider the question,
25 members of the jury, the Court rules it is not competent.

1 Q. You said to the best of your ability he had read it before
2 he signed this document?

3 A. I gave it to him to read, and he read it. In my opinion
4 he read it, and he read the other page and signed it.

5 Q. Mr. Leathers, at any time did you coerce, physically
6 or mentally, Mr. Womble into signing that statement?

7 A. No, sir, I did not.

8 Q. Didn't in fact you buy cigarettes and other things for
9 Mr. Womble?

10 A. No, sir.

11 Q. You never bought him cigarettes?

12 MR. WATERS: Objection.

13 THE COURT: Sustained as repetitious.

14 MR. PARKS: No further questions.

15 N. T. WILLIAMS, being previously sworn, resumes the stand and
16 testifies as follows during REDIRECT EXAMINATION by MR. WATERS:

17 Q. Mr. Williams, I believe you testified earlier you are a
18 public safety officer in Butner?

19 A. That's correct.

20 Q. You arrived at the scene at the Food Mart approximately
21 what time in the evening of November 18, 1975?

22 A. Approximately 9:30 p.m.

23 Q. What time did you leave the scene to go to the hospital
24 to talk to any witnesses that might be there?

25 A. It was somewhere about 11 o'clock.

Officer Nelson T. Williams

Officer Williams of the Butner Public Safety Department was recalled as a rebuttal witness. Officer Williams testified that he did not see any news personnel at the scene on the night of the crime.

Martie Johnson

Ms. Johnson was an employee of WTVD television. The script from the November 18, 1975, 11:00 p.m. newscast was introduced into evidence. Ms. Johnson testified that the story that aired that night was read by the anchor without any video airing. Ms. Johnson read the script to the court:

*A Butner convenience store operator was shot in an armed robbery attempt about 9:30 tonight. 46 year old Roy Brent Bullock was taken to Durham Watt's Hospital where officials are withholding information on his condition. Bullock's assailants are described as two black males wearing ski masks. One of the suspects is about six feet tall. The victim's young daughter was able to catch a glimpse of the two men as they were leaving the store with an undetermined amount of cash.*⁴⁰

The script for November 19, 1975, was also introduced, and Ms. Johnson testified that film ran along with the script. Ms. Johnson read the script from that newscast:

*Police are still searching for two men connected with the murder and armed robbery last night at a Butner convenience store. Police say two black males wearing ski masks entered the store around 9:30, demanded money...then shot store operator, 48 year old Roy Brent Bullock, three times. Bullock was dead upon arrival at Durham's Watts Hospital.*⁴¹

Defense Rebuttal Evidence

Leroy Walters and Shirlyn Walters

Mr. Walters was recalled and testified that Womble had been at his house on both the 18th and 19th of November. Mrs. Walters was also recalled and testified that she saw footage of the store on the news on November 19th. The transcript of the Walters rebuttal testimony is on the following pages.

⁴⁰ Id. Pgs. 102–109.

⁴¹ Id. Pgs. 109–111.

1 this was placed on the SOF film reel. This is indicating
2 this story was covered with film.

3 MR. WATERS: Your Honor, the State would tender this
4 witness.

5 THE COURT: Cross examine.

6 MR. PARKS: No questions.

7 MR. WATERS: I have no other questions. I was
8 going to ask that they be released if I might, your Honor.

9 THE COURT: The witness is released. You are dis-
10 charged. Thank you.

11 Without objection, I would direct the Clerk to take
12 State's Exhibit #4 and #5 and make copies of the cover page
13 of each and the page on which this incident is alleged to have
14 been mentioned, and return the original thereof to the witness.

15 MR. WATERS: Your Honor, there will be no other
16 rebuttal evidence.

17 THE COURT: The State rests. Any evidence in re-
18 buttal by the defendant?

19 MR. PARKS: Your Honor, I would like to recall Leroy
20 Walters.

21 THE COURT: He has already been sworn. Just take
22 your seat on the stand.

23 LEROY WALTERS, being previously sworn, resumes the stand and
24 testified as follows during REDIRECT EXAMINATION by MR. PARKS:

25 Q Mr. Walters, on the 18th of November, 1975, you earlier

1 had testified that--

2 THE COURT: Sustained. The jury is to remember what
3 a witness earlier testified to. Just ask your question.

4 Q Mr. Walters, on the 18th of November, 1975, what do you
5 recall seeing on t.v.?

6 MR. WATERS: Objection.

7 THE COURT: At what point in time. Sustained as
8 phrased.

9 Q Between 10 and 11 at night.

10 MR. WATERS: Objection, as repetitious.

11 THE COURT: Sustained as repetitious as to what
12 went on with the witness. If you have new matter or rebuttal
13 matter you may proceed.

14 Q Mr. Walters, on the 18th of November, 1975, can you account
15 to us your recollection of the news that night?

16 MR. WATERS: Objection.

17 THE COURT: Sustained.

18 Q Mr. Walters, on the 18th of November, 1975, do you recall
19 seeing a film presentation or any film part of the alleged
20 murder of Mr. Bullock?

21 MR. WATERS: Objection.

22 THE COURT: Sustained to leading your witness.
23 Phrase it so as not to be leading, please.

24 Q Mr. Walters, on November 18, 1975, did you see a film
25 story on the news, and if so, what did you see?

1 MR. WATERS: Objection.

2 THE COURT: You got two question in one.

3 Q Did you see a film story?

4 MR. WATERS: Objection.

5 THE COURT: Overruled. What is your answer?

6 A I got--it was the 19th.

7 Q No, in regard to the 18th.

8 A Well, the 18th, they, you know, told what happened and
9 showed a slide of, you know, film slide; and the 19th was the
10 next night they showed the whole thing.

11 Q O.k. On November 18 and 19, 1975, was Mr. Willie Womble
12 at your house between the hours--well, was Mr. Womble at your
13 house at night?

14 MR. PARKS: Objection.

15 THE COURT: Sustained as repetitious, that portion
16 of your question.

17 Q Mr. Walters, was Mr. Womble at your house on November 19?

18 MR. PARKS: Objection.

19 THE COURT: Sustained as repetitious from his earlier
20 testimony.

21 Q Mr. Walters, what did you see on November 19 on television?

22 MR. WATERS: Objection.

23 THE COURT: Overruled.

24 A The newscast about Butner, North Carolina. At that time
25 it had the murder.

1 Q What do you mean, they had the murder?

2 A Well, the 18th was the shooting, and the 19th was the

3 murder of the man.

4 Q And who was watching television with you?

5 MR. WATERS: Objection.

6 THE COURT: Overruled.

7 A Willie and his girlfriend and his little brother.

8 MR. PARKS: No further questions.

9 RECROSS EXAMINATION by MR. WATERS:

10 Q Mr. Walters, was Mr. Womble over to your house playing

11 cards both nights?

12 A Right.

13 Q And so he was over there on the evening of the 18 and

14 the 19th now is what you are telling the Court; is that right?

15 A Yes, sir.

16 Q Was his brother with him on both nights?

17 A Well, yes. They comes up every night because they don't

18 have t.v., and they watch the t.v. at my apartment.

19 Q So they were there on the 17, 18, 19 and the 20th; is

20 that it?

21 A Right.

22 Q Have you not testified earlier that you were positive

23 it was on the 18th that he was over there, and you saw this

24 newscast?

25 A Both nights.

1 MR. WATERS: I have no further questions, your Honor.

2 THE COURT: Any redirect?

3 MR. PARKS: No, sir.

4 THE COURT: That's all, come down.

5 SHIRLYN WALTERS, being previously sworn resumes the stand and
6 testified as follows during REDIRECT EXAMINATION by MR. PARKS:

7 Q Shirlyn, can you tell us what television programs you saw
8 on the 19th of November, 1975?

9 MR. WATERS: Objection.

10 THE COURT: Sustained. Let me see both of you
11 up here.

12 (Counsel approach the bench.)

13 THE COURT: Rephrase the questions.

14 Q Shirlyn, on the 19th of November, 1975, what did you see
15 on the news at 11 p.m. that night?

16 A Well, they said that the man that had gotten shot the 18th
17 had died, and they showed the film of it, of where he got shot.

18 Q This is what you saw that night?

19 A Yes.

20 MR. WATERS: Objection.

21 THE COURT: Overruled.

22 MR. PARKS: No further questions.

23 THE COURT: Cross examine.

24 RECROSS EXAMINATION by MR. WATERS:

25 Q You saw a film of the place that the alleged murder took
place?

1 A Yes, the 19th.

2 Q Well, would you give a description to the Court of the
3 building you saw on t.v?

4 A The only thing I saw was the 7-11 and some cars in front
5 of it.

6 Q Did it have 7-11, was that the name of the store?

7 A It's a convenient Food Mart.

8 Q Do you remember what kind of front it had on it?

9 A No, just glass doors, front, that's all I remember.

10 Q Did it have any brick on the front?

11 A Down at the bottom of it, and at the top.

12 Q Was this film taken in the daytime or at night?

13 A Like I told you before, I don't know.

14 MR. WATERS: I have no other questions, your Honor.

15 THE COURT: Any redirect?

16 MR. PARKS: No questions.

17 THE COURT: Any further evidence for the defendant?

18 MR. PARKS: No, sir, that's all the evidence for the
19 defendant.

20 THE COURT: Any final rebuttal by the State?

21 MR. WATERS: No, sir, your Honor.

22 THE COURT: Then all of the evidence is now in and
23 closed. In this case the State has the right to open and
24 the closing argument to the jury. What says the State?

25 MR. WATERS: Your Honor, the State will waive the

Closing

Closing arguments were not recorded in the transcript.

Verdict

The jury deliberated from 4:05 p.m. until 4:20 p.m. and found Womble guilty of first degree murder.⁴²

Before sentencing, Womble was allowed to address the court. The transcript of the statement is included on the following pages. The original trial transcript is missing the final pages, but they are included in a different format from the Supreme Court appellate file.

⁴² Id. Pgs. 133-134.

The State contends that the defendant is guilty of murder in the first degree. The defendant contends that he is not guilty of any offense, and that he was elsewhere and over in Durham. It is a question of fact for you to resolve. Take the case, retire and see how you find. Stand and retire to your room.

EXCEPTION NO. 20

(The jury retires to deliberate at 4:05 p.m. The jury returns to the courtroom with the verdict at 4:20 p.m.)

THE COURT: The clerk will take the verdict.

THE CLERK: Ladies and gentlemen of the jury, who is your foreman?

THE FOREMAN: I am.

THE CLERK: Have you agreed on your verdict?

THE FOREMAN: Yes, we have.

THE CLERK: Do you find the defendant guilty of murder in the first degree or not guilty?

THE FOREMAN: Guilty.

THE CLERK: Is this your verdict so say you all?

THE JURY: (Answers in the affirmative.)

THE COURT: Let the verdict be recorded.

What says the State as to when it wishes to pray judgment?

MR. WATERS: Your Honor, the State prays judgment in the case.

THE COURT: What says the defendant concerning sentencing or any other matters?

MR. PARKS: No other matters to bring at this time.

THE COURT: Is there anything you want to say before the court does pass sentence?

MR. PARKS: Yes sir. I make a motion to set aside the verdict.

THE COURT: Motion overruled and the defendant objects and excepts. Anything further?

MR. PARKS: No sir.

THE COURT: Let the defendant stand.

THE DEFENDANT: (Complies.)

THE COURT: Sir, is there anything you want to say before sentence is passed?

THE DEFENDANT: I would like to say--yes, I would like to say one thing. Only me, myself, really know what happened. I can't say. For myself I did not commit the crime. I did not participate no part in the crime.

THE COURT: Why can't you say what you know?

THE DEFENDANT: Sir?

THE COURT: Why can't you tell it, if you know it?

THE DEFENDANT: I am telling it. What I got up there on the stand and told today, it was the whole truth, nothing but the truth. I didn't take no part of the crime at all, and I didn't know nothing about the crime.

THE COURT: Are you now trying to cover up for somebody else?

THE DEFENDANT: No sir. I wouldn't try to cover up for nobody on no kind of crime like this when I didn't take no part of it where my life is concerned.

THE COURT: Anything else you want to say?

THE DEFENDANT: That's all I have to say.

THE COURT: Is there anything else you want your lawyer, Mr. Parks, to do for you in presenting your case or background to this court?

THE DEFENDANT: Yes. Whatever sentence was to be passed to me--whatever sentence is to be passed to me, you know, I would like to take appeal.

THE COURT: To your knowledge have any of your constitutional rights been violated?

THE DEFENDANT: Yes sir.

THE COURT: What?

THE DEFENDANT: For one thing--for one thing officers coming down to the jailhouse harassing me and stuff over the period of time I have been here in Granville County jail. Officers and SBI officers, agents, they came down and took me out of my cell, and tried to question me without my lawyer and stuff. I have wrote, mailed stuff since I have been in the jail. I hadn't no mail never reached

me the way they are going. I had never have mail reach where they were going.

THE COURT: Did you write letters from the jail?

THE DEFENDANT: No. I had people in the cell block to write letters for me. I buy the stamps and envelopes, and had none of the letters arrive where they were going. I have had people to tell me that they had wrote me letters and stuff, and I haven't received, you know, I haven't received none of the mail that the people had wrote me since I had been down there in Granville County jail. Every time when they come in to question me I tell them I would like to have my lawyer in the presence of me, and they would take the sheriff--a sheriff says, "Well, you go ahead on call your smart lawyer." He comes down here to the jail. They are going to tell me, "I am not going to let him in the jail. I am not going to let him in the jail." That's exactly what he told me. He told me, the sheriff. He told me as long as I am maintained in Granville County jail they are not to let me make no phone calls to call anyone. They told me, they said they wouldn't let me get no connection with anyone.

THE COURT: Do you have any other witnesses that you want me to hear?

THE DEFENDANT: Sir?

THE COURT: Do you have any other witnesses that you want me to hear from the witness stand that haven't already testified for you in this case?

THE DEFENDANT: Are you talking about concerning the things what happened while I was locked up in their custody?

THE COURT: I am offering the opportunity of any other witnesses without regard to what it is limited to. It is not limited yet, but if you have any other witnesses that you want me to hear before sentence is passed, I am willing to do it.

THE DEFENDANT: Well, I have one witness

what was in the jail with me when the SBI officers, when they first brought me down here. It was written down on paper by the SBI officer Joe Momier. He wrote it down on paper and handed it to me. It was supposed to be around here somewhere where he wrote down and signed his name to it telling me that he was going to make sure I get 141 years.

THE COURT: Joe Momier has not been a witness against you. He has not testified from the witness stand.

THE DEFENDANT: Joe Momier and N.T. Williams. Joe Momier and N.T. Williams and one of the deputies was in the presence when he told me that. He wrote down on paper. He wrote down on paper and signed his name, signed his signature to it. As a matter of fact, I think I had that piece of paper right here in the courthouse where he wrote down on paper telling me he was going to make sure that I get 141 years. I have it right here in court with his signature on it, and everything where he signed it.

THE COURT: How has that violated any of your constitutional rights to a fair trial before this court and this jury?

THE DEFENDANT: To me it's been violated a whole lot of ways. It might not seem that way. It might not seem that way to everybody else in the court, but it seems that way to Willie.

THE COURT: Anything else you want to say?

THE DEFENDANT: No, I think that will be all, Judge, your Honor.

THE COURT: Anything further from your lawyer, Mr. Parks?

MR. PARKS: No, your Honor, other than I want to make a motion to appeal.

THE COURT: You are out of order at this given moment. I have not passed sentence yet. To your knowledge, Mr. Parks, has any of the constitutional rights of the defendant been violated?

MR. PARKS: No, sir, not to my knowledge.

Sentencing

Womble was sentenced to be imprisoned for the term of his natural life with credit for 210 days spent in jail awaiting trial. Womble's trial attorney, William Parks, was appointed to represent him on appeal.

IX. Joseph Lee Perry Trial

Perry was tried for first degree murder on November 3 and 4, 1976. The charge of armed robbery was dismissed at the beginning of the trial. Perry was represented by Attorney James E. Cross and the State was represented by Assistant District Attorney David Waters. The Honorable E. Maurice Braswell was the presiding Judge.

The opening arguments were not recorded in the transcript.

State's Evidence

Lois Bullock

Lois Bullock is the daughter Roy Brent Bullock and the only surviving witness to the homicide. She was 14 years-old at the time of trial and 13 at the time of the homicide. Miss. Bullock testified that she was working at the Butner Food Mart with her father on November 18, 1975. She said she was in the glass door walk-in cooler between 9:00 and 9:30 p.m. She testified:

*"Well, I looked through the glass door and I saw these two guys and they were standing behind the cash register, and I saw a shot from one. I saw fire come from one of the guys. He was standing there. I just saw fire. I didn't realize what was going on. Then it dawned on me. I went to get out of the freezer. I stopped and I couldn't move or anything and I heard two shots and I saw two guys leave the store."*⁴³

Miss. Bullock described the men as, "Both were colored guys. One of them was tall and had a red bandanna or I don't believe it was blue or black and the tall guy and the other guy, I could tell he was short by the top of his head but I didn't see him completely."⁴⁴

She again described both men as black and said both were anywhere from around 16 to 19 years-old. She said the tall man had on a heavy coat and bandanna and she did not see what the other man had on. Miss. Bullock testified that after she heard the shots, "The two guys took out the store and

⁴³ Trial Transcript State of North Carolina v. Joseph Lee Perry, Granville Co. 75CRS6042, November 3, 1975, Page 4.

⁴⁴ Id. Pg 5.

started running.” She called the police and her mother. While she was using the telephone, she saw that the cash register “was standing open.”⁴⁵

Miss. Bullock said that at this time, her father was up and walking around. He had blood on his shirt and pants and told her to call the police. About the time the police arrived, he fell down. The ambulance took her father and she went straight to the hospital with her mother.⁴⁶

Miss. Bullock described the weapon as, “Well, when I was in the cooler it looked like it was a long, it was just a long, black gun. Looked like it had a long barrel to it.” She clarified, “Well it wasn’t a rifle. It was a small hand gun.”⁴⁷

On cross examination, Miss. Bullock testified that she did not recognize the two men she saw that day. She said she did recognize Perry because she had seen him come into the store before.⁴⁸

On redirect, Miss. Bullock was asked how long the men were in the store and she said, “It was just a few minutes, you know from the time I saw them and they run out. I can’t, you know, say how long it was.”⁴⁹ She said she only saw the side view of them and the taller man had a bandanna around his face. She could only see the top of the other man’s head and could not tell whether he had a bandanna on or not.⁵⁰

C.J. Stephens

Mr. Stephens is the owner of the Food Mart in Butner where the homicide happened and where Roy Brent Bullock worked. He testified that he left the Food Mart at 5:00 p.m. on November 18, 1975 and Mr. Bullock and his daughter Lois were at the store.⁵¹

Mr. Stephens said he returned to the store at 10:30 p.m. after the homicide. Money was missing from the cash drawer and according to the receipts, \$387.60 was the variance. There was only change left in the drawer.⁵²

⁴⁵ Id. Pgs. 5-7.

⁴⁶ Id. Pg. 8.

⁴⁷ Id. Pg 9.

⁴⁸ Id. Pg. 14.

⁴⁹ Id.

⁵⁰ Id. Pg. 15.

⁵¹ Id. Pg. 17.

⁵² Id.

Mr. Stephens said he did not know Perry.⁵³ Mr. Stephens testified the store was well lit.⁵⁴

On cross examination, Mr. Stephens estimated the distance from the front door to the cash register to be ten feet and the distance from the register to the cooler to be 30 feet.⁵⁵

Officer Nelson T. Williams

Officer Williams was an officer with the Butner Public Safety Department. He testified that he was on duty the night of the crime. Officer Williams was dispatched to the Food Mart at 9:30 p.m. in response to a shooting.⁵⁶ When he arrived, Roy Brent Bullock and Lois, whom he referred to as “Doodles,” were there.⁵⁷ Mr. Bullock was leaning slumped to the door and they laid him down on the floor. There was blood on Mr. Bullock’s shirt, his face, the floor, the concrete outside, and the cash register area. Officer Williams observed a wound on the left side of Mr. Bullocks’ face and his back. The cash register was open and only coins and a few one dollar bills were inside.⁵⁸

Officer Williams testified that he sealed the scene and the ambulance arrived about 10 minutes later. The SBI was called in to process the scene and he left when SBI Agent Momier arrived. Officer Williams then went to the hospital.⁵⁹

At the hospital, Officer Williams spoke with Mrs. Bullock and “Doodles.” He testified:

Doodles stated that she was in the cooler in the back of the store and that she heard a noise and saw a flash. And as she was coming out of the cooler that she saw two black men run from the store and one of the black men was standing at the entrance ask [sic] her father was standing behind the cash register. And she stated that she saw him have a long barrel hand gun and that he has on a bandanna, and that as she came from the cooler she heard two shots, and they immediately ran out the door. She didn’t see anymore of them.⁶⁰

⁵³ Id. Pg. 18.

⁵⁴ Id.

⁵⁵ Id. Pg 19.

⁵⁶ Id. Pg 20.

⁵⁷ Id. Pg. 21.

⁵⁸ Id. Pgs. 21-23.

⁵⁹ Id. Pgs 22-23.

⁶⁰ Id. Pg. 24.

Officer Williams described the cooler as in the rear of the store and “completely glassed front” and that “you can just about see the entire store from within the cooler.” Officer Williams said the store was well lit inside and out.⁶¹

A .22 spent shell casing was introduced. It was located on November 29, 1975 by an employee of the Butner Food Mart. Officer Williams testified that he took possession of the casing and released it to SBI Agent Momier.⁶²

On cross examination, Officer Williams testified that when he arrived, Mr. Bullock was able to speak and Officer Williams asked him if he knew who shot him. “Mr. Bullock stated he had been shot twice by two black men.” Officer Williams asked if he knew them and he shook his head “no.”⁶³

Officer Williams testified that he had not recovered any money or a gun. He also said no fingerprints had been found. To the best of his knowledge there were no prints on the shell casing.⁶⁴

On redirect, Officer Williams was shown a diagram of the Food Mart.⁶⁵ This is the same diagram that was included at the beginning of the SBI summary report on page 12 of this brief.

Clinton N. Purnell

Mr. Purnell testified that he worked at the Food Mart. On November 29, 1975, he called the police because he found a “spent cartridge shell.” It was on a little table to the right of the entrance near the cash register. He did not touch it or pick it up.⁶⁶

Mr. Purnell used the diagram of the store to describe the location of the cash register, the cooler, and the table where the shell casing was found.⁶⁷

Stipulation

At this time, the parties stipulated that Roy Brent Bullock died at 12:20 a.m. on November 19, 1975, as a result of shock and hemorrhage due to three .22 caliber bullet wounds.

⁶¹ Id. Pgs. 24-25.

⁶² Id. Pgs. 27-29.

⁶³ Id. Pgs. 31-32.

⁶⁴ Id. Pgs. 32-35.

⁶⁵ Id. Pgs. 35-37.

⁶⁶ Id. Pgs. 38-41.

⁶⁷ Id. Pgs. 42-44.

Barbara Powell

Ms. Powell testified that she was a manager at the Kwik-Pic convenience store in Durham. On November 5, 1975, at 11:35 p.m., her store was robbed. The robber was a black man with an orange stocking over his head and gloves. He took the money from the register and told her to open the safe. Ms. Powell testified that he asked for the large bills in the safe. She said:

I told him I couldn't. I ask couldn't he read. The safe could not be opened. He said, 'Yes, damn it I can.' He told me to get down on my knees. He got down and squatted down and looked under the counter and spotted my purse, and he got to reach for it. He said, "I ought to shoot you bitch." The gun went off and he grabbed my purse and ran.⁶⁸

She described the gun as "A long barrel with a black handle." She identified the man that robbed and shot her as Perry and pointed to him in court. She said she could see his face because the stocking over his face had a run in it. He was wearing "a blue coat, a blue shirt, gold tee shirt, blue jeans, tennis shoes, tan gloves with blue on top." She testified that she described him to police as 5'8" or 6", weighed around 100 pounds, with a little moustache and short hair.⁶⁹

When the police arrived, she told them where the shell casing was.⁷⁰

Ms. Powell said she told the officer, "I told him I could identify him. I wouldn't forget his face."⁷¹

On cross examination, Ms. Powell stated that the man's face was covered with a single stocking and she could identify him because she could see him through the run in the stocking. Ms. Powell said she picked his picture out after she was released from the hospital and did not know Perry prior to the shooting.⁷²

James Jacobs, Tony Roop, Joseph Momier, and Douglas McKinely Branch

Durham Police Officer Jacobs, Durham Detective Roop, SBI Agent Momier, and SBI Agent Branch were all called to testify about the collection of a .22 caliber cartridge casing at the scene of the Durham

⁶⁸ *Id.* Pgs. 98-99.

⁶⁹ *Id.* Pgs. 99-102.

⁷⁰ *Id.* Pg. 102.

⁷¹ *Id.* Pg. 104.

⁷² *Id.* Pgs. 104-105.

shooting. They testified about the collection and then the chain of custody as the casing was transferred through each of them to the SBI for analysis.⁷³

Frederick Mark Hurst, Jr.

Agent Hurst was a SBI Agent working in the Firearms and Toolmark Identification Division and was tendered as an expert in the field of Tool Mark and Firearm Identification.

He described the casing collected from the Butner crime scene as a “Western Super X Caliber .22 long or long rifle fired cartridge case.” Agent Hurst and Agent Branch then compared it to the casing from the Durham crime scene which was also a “Western Super X Caliber .22 long or long rifle fired cartridge case.” Agent Hurst testified that it was his opinion that the two casings were fired from the same weapon based on the class and individual characteristics.⁷⁴

Howard Brent Bullock

Howard Brent Bullock is Roy Brent Bullock’s adult son. He testified that he had known Perry for about a year. Howard Brent Bullock testified they had worked in the same complex at John Umstead Hospital and prior to the murder, Perry had come to the Food Mart to get gas in a black Cadillac. Howard Brent Bullock estimated that the vehicle was a 1965 model.⁷⁵

Tony Smoke

Tony Smoke testified that on the night of the murder, he and his wife and mother were driving in Butner and he noticed a 1966 or 1967 black Cadillac sitting in the grass between the Food Mart and the bank at about 9:00 at night. He had never seen that black Cadillac there before. He could not tell if there were any people in the car.⁷⁶

Closing

The Defense presented no evidence. The closing arguments were not recorded.

⁷³ Id. Pgs. 106-126.

⁷⁴ Id. Pgs. 126-140.

⁷⁵ Id. Pgs. 141-144.

⁷⁶ Id. Pgs. 144-146.

Verdict

The jury returned the verdict guilty as charged. The time of deliberation was not recorded. The defense requested that the jury be polled as to their votes and all responded yes to whether their vote was guilty.⁷⁷

Sentencing

The state presented Perry's three prior armed robberies and noted that he was on parole for one of the convictions when this crime occurred. The other two convictions were on appeal at the time of this trial.⁷⁸

The defense noted in mitigation that Perry is 22 years-old.⁷⁹ Perry spoke and said:

*Yes sir, one man has been tried already for this case. He was given a life sentence. Now, somehow, it has been arranged through the District Attorney, I guess, to have me convicted. I don't believe I was convicted of the crime in Butner, but I feel I was convicted of what is the crime that was committed in Durham on Mrs. Powell. And which I did not take place in. But anyway, I would like to appeal the case, appeal this case to another court.*⁸⁰

Perry was sentenced to be imprisoned for the term of his natural life. His lawyer, James E. Cross, was appointed to handle the case on appeal.⁸¹

⁷⁷ *Id.* Pgs. 159-160.

⁷⁸ *Id.* Pg. 162.

⁷⁹ *Id.*

⁸⁰ *Id.* Pgs. 162-163.

⁸¹ *Id.*

X. Womble's Appeal

On appeal, Womble was represented by his trial attorney, William Parks, and attorney Felix Clayton.

The first assignment of error on appeal was that the felony murder rule is unconstitutional because it relieves the state of proving malice. The Supreme Court denied this argument.

The second assignment of error was that the trial court improperly recapitulated the evidence during jury instructions. The Supreme Court ruled that this argument had been waived because it was not objected to at the time of trial.

The third assignment of error was that no evidence connected the defendant to the robbery and murder. The Supreme Court ruled that defendant did not make a motion for nonsuit or dismissal at the close of evidence, and further deemed that a challenge to the sufficiency of the state's evidence was overruled.

The final assignment of error was that the trial judge improperly signed the judgment. The Supreme Court ruled that there was no authority cited for review of this issue. The Supreme Court opinion states, "Defendant had a fair trial, free from prejudicial error."⁸²

⁸² State of North Carolina v. Willie Henderson Womble, Granville County 75 CRS 6128, North Carolina Supreme Court, Spring Term 1977, pgs. 66-67; 292 N.C. 455, 233 S.E.2d. 534 (1977).

XI. Perry's Appeal

On appeal, Perry was represented by his trial attorney James E. Cross.

The first and second assignments of error were whether the testimony of Barbara Powell regarding the Durham shooting and the expert testimony about the fired cartridges should have been admitted. The court ruled that:

*The evidence of the Kwik-Pic robbery was admissible in present case...The similarities in the method of operation in both robberies and the positive identification of defendant in the Kwik-Pik robbery tend to identify defendant as the perpetrator of the robbery at the Food Mart in Butner. The evidence was clearly relevant for the consideration of the jury on the issue of identity. Hence we overrule this assignment.*⁸³

The third assignment of error was that the court should have permitted Perry's motion for nonsuit at the close of the State's evidence. The court ruled that there was sufficient evidence to send the case to the jury and found no error in the trial.⁸⁴

⁸³ State of North Carolina v. Joseph Lee Perry, Supreme Court of North Carolina Spring Term 1977, Vol. No. 114.

⁸⁴ Id.

XII. Womble's Postconviction Efforts

During the Commission's interview of Womble, he indicated that he had not pursued any other postconviction relief.

The Commission staff contacted the North Carolina Center on Actual Innocence and North Carolina Prisoner Legal Services and confirmed that they had not received any applications or letters from, or on behalf of, Womble. The Granville County Court File and appellate file also show no postconviction efforts on behalf of Womble.

XIII. Perry's Postconviction Efforts

During the Commission's interview of Perry, he provided a list of agencies he had previously contacted. Perry also signed releases allowing the Commission permission to obtain his files from other agencies as well as prior attorneys.

Motions for Appropriate Relief

The court files show that Perry filed two Motions for Appropriate Relief in Granville and Durham Counties.

On September 23, 1977, Perry filed an "Application for Post-conviction Hearing, in Forma Pauperis." Perry's application was based on claims that the lineup was improper, the jury selection was improper, jurors were sleeping during his trial, evidence of previous cases was improperly admitted, and the testimony of Barbara Powell was inadmissible. On November 7, 1977, Perry's motion was denied based on the fact that the case had been subject to prior appellate review. Perry's application does not address guilt or innocence.⁸⁵

On March 28, 2013, Perry filed a Motion for Appropriate Relief in Durham on five convictions, including the Granville County murder conviction. His claims revolved around sentencing and he argued that he should be parole eligible because of the way a life sentence was determined under Fair Sentencing rather than Structured Sentencing. Perry's motion does not address guilt or innocence.⁸⁶ The motion was denied on April 11, 2013, with a finding that the motion set forth no probable grounds for relief.⁸⁷

North Carolina Prisoner Legal Services

The Commission staff obtained Perry's file from North Carolina Prisoner Legal Services (PLS).

On June 5, 2007, Perry wrote to PLS seeking assistance with resentencing and did not address guilt or innocence in his letter. On June 8, 2007, Perry completed an application for PLS seeking help

⁸⁵ Court File for State v. Joseph Lee Perry, Granville 75 CRS 6042.

⁸⁶ Court File for State v. Joseph Lee Perry, Durham 75 CRS 27476.

⁸⁷ Id.

challenging three convictions, including the murder conviction. He wrote that he was not involved in any of the crimes and that his sentence was excessive.⁸⁸

Perry wrote on October 9, 2007, seeking to have his prison term recalculated. He attached a 2005 letter from the Parole Commission. Perry did not address guilt or innocence in this letter.⁸⁹

On January 21, 2008, Perry wrote asking for assistance with sentencing. He sent another letter on March 23, 2008 about the Parole Commission and Structured Sentencing Guidelines. Perry wrote that he was seeking an outright release. He did not address guilt or innocence in those letters.⁹⁰

On November 1, 2008, Perry sent another letter to PLS about his sentence. He wrote that his sentences were excessive. In this letter, Perry claimed innocence and wrote:

*The Granville County charge of murder, although conviction was acquired by them, I did not do and have never regarded this charge as my own. It does exist and I am not in denial of the facts. But I have learned more about that charge while incarcerated, than I knew at the time of trial. Please note also that Willie Womble and I have never been crime partners at no time. He and I have never talked about that crime or any other ever. He and I was never together on any crime and to this day I do not know how the SBI convinced him to say that we were together.*⁹¹

PLS responded to Perry on January 25, 2010, stating that they do not have the basis to argue for a motion for appropriate relief. However, PLS accepted the case for review along with other cases under State v. Bowden, which questioned the calculation of a life sentence.⁹²

ACLU

In November of 2010, Perry contacted the American Civil Liberties Union (ACLU). The Commission staff was able to obtain the ACLU file. Perry's letter to the ACLU is primarily about parole issues and rescintion of his parole program (MAPP). In the letter he writes, "I'm a 56 year old convicted

⁸⁸ NC PLS File for State v. Joseph Lee Perry, Perry letter, June 8, 2007.

⁸⁹ Id., October 9, 2007.

⁹⁰ Id., March 23, 2008.

⁹¹ NC PLS File for State v. Joseph Lee Perry, Perry letter, November 1, 2008.

⁹² NC PLS File for State v. Joseph Lee Perry, PLS letter, January 25, 2010.

murder that have [sic] served nearly 40 years incarcerated. Although I did not commit this murder and one day this truth will be brought to the light.”⁹³

Along with the letter Perry sent to the ACLU, he included a copy of a letter his sister wrote to the Parole Commission Chairman. Her letter is about parole and rescintion of Perry’s parole program. The letter from Perry’s sister states Perry is, “a good man and very remorseful for what he has done. He just wants an opportunity to prove this to everyone. He was a foolish teenager when this crime occurred and now he is an adult. This man has learned his lesson.”⁹⁴ The ACLU wrote back to Perry stating that they could not offer legal assistance.⁹⁵

North Carolina Center on Actual Innocence

The Commission obtained Perry’s file from the non-profit North Carolina Center on Actual Innocence (Center).

Perry first wrote to the Center on November 29, 2010. Perry wrote that he was not involved in the Granville County murder and admitted that he did the Durham shooting, but that it was not intentional. He wrote that Womble’s implication of him was false and caused Perry’s conviction. He described Womble’s testimony and recantation.⁹⁶

On January 22, 2011, Perry completed an application questionnaire for the Center. In the questionnaire, he wrote, “I was given life for a murder that I know nothing about.” Perry wrote that he had spoken with Womble and Womble said, “The SBI wrote the statement and he just signed it.”⁹⁷ Perry repeatedly stated that he was not involved in the crime and had never committed a crime with Womble.⁹⁸

On February 15, 2011, Perry again wrote to the Center and stated that Womble was now incarcerated with him. Perry said Womble told him:

The SBI wrote the statement, what they wanted him to say, and he signed it. He [Womble] said he was in jail for a common law robbery charge

⁹³ [ACLU File](#), Letter from Perry to ALCU, November 22, 2010.

⁹⁴ [ACLU File](#), Letter from Angie Reid to Tony Rand, Parole Commission, November 16, 2010.

⁹⁵ [ACLU File](#), Letter from ACLU to Perry, January 28, 2011.

⁹⁶ [NC Center on Actual Innocence File](#), Letter from Perry to Center, November 29, 2010.

⁹⁷ [NC Center on Actual Innocence File](#), Perry’s Center Questionnaire, January 22, 2011.

⁹⁸ [NC Center on Actual Innocence File](#), Perry’s Center Questionnaire, January 22, 2011.

*when the SBI came to him. I'm not sure how much of this is the truth but, I know I did not commit the crime, and I'm feeling that Mr. Womble did not either. Still, it could be a double innocent case, that after 35 years justice may finally be the both of ours. He as well as I might be victims, this is very possible sirs very possible."*⁹⁹

Perry's claim with the Center was closed.¹⁰⁰

⁹⁹ NC Center on Actual Innocence File, Perry letter to Center, February 15, 2011.

¹⁰⁰ NC Center on Actual Innocence Case List.

XIV. Application to the Commission

On April 4, 2013, Perry wrote to the Commission stating that he had committed the crime with Willis, who had since passed away. He wrote that Womble is “completely innocent” and asked the Commission to help Womble. The entire letter is included on the following pages.¹⁰¹

On April 17, 2013, the Commission staff interviewed Womble at Dan River Work Farm. Womble stated that he is innocent of the crime and asked the Commission to review his case. Womble has been writtten to testify at the upcoming Commission hearing.¹⁰²

On April 24, 2013, the Commission staff interviewed Perry at Wake Correctional Institute. Perry stated that he had committed both the Butner homicide and the Durham shooting. Perry stated that he was the shooter and Albert Willis had been the other man at the Butner homicide. Perry stated that Womble was not involved in the Butner homicide in any way, was not present, and did not know of the event.¹⁰³ Perry has been writtten to testify at the upcoming Commission hearing.

¹⁰¹ Letter from Perry to Commission, April 4, 2013.

¹⁰² Commission staff interview of Womble, April 17, 2013.

¹⁰³ Commission staff interview of Perry, April 24, 2013.

Joseph L. Perry
#0319855
1000 Rock Quarry Rd
Raleigh, N.C. 27614

April 4, 2013

The N.C. Innocence
Inquiry Commission

To whom it may Concern:

In 1975 I was charged with a murder
armed robbery of a Mr. Bullock in Swainville Co. Between
N.C. Having been found guilty of these charges in
1976, it was by the testimony of Willie Dornble
that placed me in Between N.C., and I am sure
that the SBI coached Willie Dornble in his
testimony. A testimony while on the stand Willie
retracted after making a deal with the SBI. It
threw the trial into a re-trial where two of the
accused was freed instantly. I on the other hand
was brought to trial, with Willie's statement being
read in open court "during trial," excluding my
name, but placing me in Between during the time
of the crime. The gun was connected to me from

a Durham conviction of Arnes lobby and assault months later. However, it is not my case that I seek help with; it is Willie Admble's case.

December 1st, 2011 the only person that was with me on that case died. December 1st being my birth-day! I have long wanted to show how the SBI framed an innocent man & murder, simply because he refused on a deal with them.

Albert Lee Willis of Durham resided with me in my apartment during that time, and it was him that was with me that night. He's the short guy described by the store keeper's daughter who I knew to some degree, having served time at the ^{Prison} unit in Buttes only a short time before that evening. I so wish I would have seen her or knew she was in the store. I would not have suspected that lit girl to that scene. I would prefer getting caught for the robbery.

My point here is, Willie Admble was not with us, nor did he know; he's never of, or was in our circle. I do not know how Willie got involved as

a witness, or how he and the SBI got in touch for this to happen. I can tell you this, knowing Willie Dornbl, I feel that a degree of retardation exist with him, and he was tricked somehow.

He doesn't know that since Al's death, that I have tried telling you the Innocence Inquiry Commission, an attorney at Prisoner legal Service about his innocence.

I can not communicate with Willie, nor do I know of his whereabouts, but he is still incarcerated. Whether theres any relevant facts if what I telling you is available after all of these years, or not - I am telling you - he is completely innocent. He's guilty of only being super stupid ~~for~~ trusting the SBI of Swainville County, Joseph Mermick or something to that effect, who investigate the case, and his partner.

Serving 38 years for absolutely nothing. I have personally forgiven him, years ago; as I for so many years sought forgiveness from God for my actions of that night. I have served the time, and I'm still paying my debts for that night and others.

Telling you of this grave injustice doesn't make me whole or free of my burden, I will live every day with an increase of value for life, and a dedication to stopping the innocent taking of lives.

Help Him, is what I ask! Speak to him and find out the why's to his situation. If he hasn't caused himself to believe he committed that crime, he may be able to tell you what really happened to involve himself. These things I do not know, but what I am certain of is he is completely Innocent, Completely.

Sincerely Requested:
Joseph L. Perry
#0319855

XV. Conclusion

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on June 2 and 3, 2014. At that time, the Commission staff will present the evidence uncovered during their investigation. Multiple witnesses are expected to testify before the Commission.

The Commission is charged with considering “credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief.”¹⁰⁴ Each Commissioner shall determine whether “there is sufficient evidence of factual innocence to merit judicial review.”¹⁰⁵

¹⁰⁴ N.C.G.S. § 15A01460.

¹⁰⁵ N.C.G.S. § 15A-1468(c).