Handout 1

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
83 CRS 84695

STATE OF NORTH CAROLINA)
)
v.) **AFFIDAVIT**
)
JAMES A. BLACKMON)
)

NOW COMES William P. Hart being first been duly sworn, who deposes and says the following:

1. I am an attorney, duly licensed to practice law in North Carolina. I have been practicing law for 40 years.

2. I began prosecuting James Blackmon for the murder of Helena Payton as an Assistant District Attorney in Wake County.

3. I left the Wake County District Attorney's Office in 1986 to take a position as a special prosecutor in the North Carolina Attorney General's Office, but continued to prosecute the case from my new position.

4. If a guilty plea was made pursuant to *North Carolina v. Alford,* 400 U.S. 25 (1970), I would make sure that it was documented in the *Transcript of Plea* and that it was addressed with the judge.

5. Although I do not independently recollect that Mr. Blackmon took an *Alford* plea, I have reviewed the *Transcript of Plea* (attached hereto as Exhibit 1), which documents that Mr. Blackmon would not answer whether he was in fact guilty. This indicates to me that it was an *Alford* plea because it shows that Mr. Blackmon was not admitting guilt.

6. Because it was my practice to address such matters on the record, I believe that a transcript of the plea hearing would include on the record that Mr. Blackmon was pleading guilty pursuant to *Alford.*

This the 2nd day of November, 2018.

William P. Hart

William P. Hart

Sworn to and subscribed before me this 2 day of November, 2018

Demetrice S. Moore

Notary Public

[Seal]

DEMETRICE S. MOORE NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: My Commission Expires 4-5-2020.

EXHIBIT
1

PENGAD 800-631-6989

STATE OF NORTH CAROLINA
In The General Court of Justice
Superior Court Division
WAKE County

File No
83 CRS 84695
Film No.

STATE VERSUS

Defendant JAMES ANDREW BLACKMAN

TRANSCRIPT OF PLEA

G.S. 15A-1022

The defendant, having offered a plea of GUILTY and being first duly sworn, makes the following answers to the questions set out below

	Answers
1. Are you able to hear and understand me?	YES
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?	YES
3. Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants? (Prescription) (a) When was the last time you used or consumed any such substance?	YES THIS MORNING
4. Have you discussed your case fully with your lawyer and are you satisfied with his legal services?	YES
5. (a) Do you understand that you are pleading (guilty) ~~(no contest)~~ to the felonies of SECOND DEGREE ~~[illegible]~~ MURDER	YES
5. (b) Do you understand that you are pleading (guilty) (no contest) to the misdemeanors of X	N/A
6. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?	YES
7. Do you understand that upon your plea you could be imprisoned for a possible maximum sentence of 50 years or life ~~months~~ (and that the ~~mandatory minimum~~ prescriptive sentence is 15 years _____ months)?	YES
8. Do you understand that you have the right to plead not guilty and be tried by a jury and at such trial to be confronted with and to cross-examine the witnesses against you, and by this plea you give up these and your other constitutional rights relating to trial by jury?	YES
9. Do you now personally plead (guilty) ~~(no contest)~~?	YES
10. (a) [*If applicable*] Are you in fact guilty?	~~[illegible]~~
(b) [*If applicable*] Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt?	will not answer
11. Have you agreed to plead as a part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval.	N/A
12. [*If applicable*] The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea. DEFENDANT SHALL RECEIVE A LIFE SENTENCE. DEFENDANT WILL APPEAL THE ISSUE OF THE MOTION TO SUPPRESS STATEMENTS MADE TO LAW ENFORCEMENT WHICH WAS LITIGATED BEFORE JUDGE BOWEN	YES
(a) Is this correct as being your full plea arrangement?	YES
(b) Do you now personally accept this arrangement?	YES

000292

AOC-CR-300
Rev. 8-82

(over)

499

	Answers
13. [Other than the plea arrangement between you and the prosecutor] has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes?	NO
14. Do you enter this plea of your own free will, fully understanding what you are doing?	YES
15. Do you have any questions about what has just been said to you or about anything else connected with your case to this point?	NO

I am 34 years of age and have completed the 2nd grade of school. (List any additional education, if applicable.)

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order to have the Court accept my plea in this case. The conditions of the plea as stated on the reverse hereof, if any, are accurate.

Yes

SWORN AND SUBSCRIBED TO BEFORE ME	Date 1-14-88
Date 1-14-88	Signature of Defendant James A. Parkman
Signature of Deputy or Assistant Clerk of Superior Court Dept C White	

CERTIFICATION BY LAWYER FOR DEFENDANT

As lawyer for the defendant James Bowman, I hereby certify that the conditions stated on the reverse hereof, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself upon which the defendant's plea was entered. I further certify that I have fully explained to the defendant the nature and elements of the charges to which he is pleading.

Date 1/14/88	Signature of Attorney for Defendant

CERTIFICATION BY PROSECUTOR

As prosecutor for the NC Attorney General's Office Judicial District, I hereby certify that the conditions stated on the reverse hereof, if any, are the terms agreed to by the defendant and his lawyer and myself for the entry of the plea by the defendant to the charge in this case.

Date 1/14/88	Signature of Prosecutor

PLEA ADJUDICATION

Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds:

1. That there is a factual basis for the entry of the plea.
2. That the defendant is satisfied with his lawyer.
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea is hereby accepted by the Court and is ordered recorded.

Date 1-14-88	Signature of Presiding Judge

Handout 2

1
2
3
4
5
6 MS. MATOIAN: I understand. Do you
7 remember the preliminary hearings regarding his
8 confession and things like that?
9 MR. MANNING: I know I filed a Motion
10 to Suppress, and that was the part of my effort
11 to deal with this case. I was trying to remember
12 who the judge was for that, and I can't remember
13 who the trial court was or my opponent now.
14 MS. MATOIAN: I think it was Bill Hart
15 was the ADA.
16 Do you happen -- I know it's been a
17 long time, do you happen to remember if they
18 brought the shirt or the knife in -- during your
19 Motion to Suppress?
20 MR. MANNING: I don't think so because
21 the whole issue was whether the confession was
22 tricked and whether -- who was it, the -- it was
23 the Mutt and Jeff cops. It was Jimmy Holder and
24 A.C. Munday were the detectives on the case, and
25 Jimmy, I think he now works security for Bank of

1 America or something --

2 MS. MATOIAN: Uh-huh.

3 MR. MANNING: -- he went to school on

4 whatever was wrong with the client, read a bunch

5 of stuff, and then I think tricked him into

6 giving that confession. I'll never believe

7 otherwise, and that was the whole spirit of my

8 cross-examination. My attack on the thing was

9 that he, Holder, read up on the various

10 personality disorders and then got him -- I think

11 it was taped. I can't remember if it was taped

12 or pretty close notes, got him in a rhythm of

13 agreeing with him and then got him to say that

14 the bad -- I think the bad James Blackmon killed

15 him, not the good James. I think that's what

16 the --

17

18

19

20 I

21

22

23

24

25

Handout 3

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
83 CRS 84695

STATE OF NORTH CAROLINA)
)
v.) **AFFIDAVIT OF THOMAS MANNING**
)
JAMES A. BLACKMON)
)

The undersigned, having first been duly sworn, deposes and says the following:

1. I am an attorney, duly licensed to practice law in North Carolina. I have been practicing law for 41 years.

2. In 1988, I represented James Blackmon during his plea in the above captioned case.

3. In 2014, I was contacted by the North Carolina Innocence Inquiry Commission regarding my file. My files were destroyed in a fire in 1996.

4. James Blackmon pleaded guilty to the offense of Second Degree Murder in January 1988, pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970).

5. During the course of my representation, James Blackmon did not admit guilt to me at any time.

6. During the course of my representation, James Blackmon maintained his innocence to me related to this crime.

This the 1 day of November, 2018.

(Thomas C. Manning)

Sworn to and subscribed before me this 1st day of November, 2018

Notary Public

[Seal]

CATHERINE MATOIAN NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: 3.12.23

Handout 4

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF WAKE	83 CRS 84695
STATE OF NORTH CAROLINA)	
v.)	**AFFIDAVIT OF MARY ELIZABETH MCNEILL**
JAMES A. BLACKMON)	

The undersigned, having first been duly sworn, deposes and says the following:

1. I am an attorney, duly licensed to practice law in North Carolina. I have been licensed to practice law since 1993.

2. I am currently an attorney employed by North Carolina Prisoner Legal Services (NCPLS).

3. I have represented James Blackmon in my capacity as an attorney for PLS since 2011, and I continue to represent James Blackmon.

4. During the course of my representation, James Blackmon has not admitted guilt in this case.

5. During the course of my representation, James Blackmon has maintained his innocence related to this crime.

6. I referred the case of James Blackmon to the North Carolina Innocence Inquiry Commission (Commission) in 2011 and provided the PLS file to the Commission.

This the 2nd day of November, 2018.

Mary Elizabeth McNeill

(Mary Elizabeth McNeill)

Sworn to and subscribed before me this 2nd day of November, 2018

Julie Bridenstine

Notary Public

[Seal]

JULIE BRIDENSTINE
Notary Public
Chatham County
My Commission Expires
04/27/2021
NORTH CAROLINA

My Commission Expires: 04/27/2021

Handout 5

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 83 CR 4695

STATE OF NORTH CAROLINA

v.

JAMES ANDRES BLACKMON,

AFFIDAVIT OF WENDY LANCASTER

Wendy Lancaster, being duly sworn, deposes and says:

1. My name is Wendy Lancaster. I am over eighteen years of age and I am of sound mind. I make this affidavit based on my personal knowledge.

2. I am currently the Evidence Manager for the City of Raleigh Police Department. I have been the Evidence Manager since, 2006. Prior to that I, was Records Specialist with Raleigh Police Department Investigative Division for approximately 11 years.

3. Evidence related to the above captioned matter was physically looked for in 2007 when the North Carolina Center on Actual Innocence submitted a request for a review of the evidence and documentation.

4. Evidence related to the above captioned matter was physically looked for in 2012 when the North Carolina Innocence Inquiry Commission submitted a request for a review of the evidence and documentation.

5. Evidence related to the above captioned matter was physically looked for in June of 2013 at the request of the North Carolina Innocence Inquiry Commission.

6. The location searched each time was evidence bin #6-B, where the items were stored when they were placed into evidence on 11-1-1979. The items listed as stored in this bin are: pocket knife and dashiki shirt.

7. The pocket knife and dashiki shirt were not located during any of the above referenced searches.

8. Documentation such as the original evidence cards, logs, court orders and disposal information were also searched for in 2007, 2012 and again in 2013.

9. One document log showing the incoming property for the date of 11-1-79 and bin/storage location, case number, and item description was located in 2007, 2012 and 2013 and copies were provided as requested.

10. All other documentation for these items was destroyed prior to my supervision. While I have no firsthand knowledge, it is my belief that these items were destroyed due to their age. All documents over 20 years old were purged in the early 2000's.

11. The Evidence Unit was located at 110 S. McDowell Street, Raleigh, NC until December of 2009 when we began our relocation to 218 W. Cabarrus Street, our current location. During this move each bin was audited, manifested, packed, sealed, moved, unsealed, unpacked, and audited again by double partner teams as it was placed in the new bin location at Cabarrus Street. To ensure the move was completed without error no bin numbers were changed.

12. The items above in question did not show on our move manifest, which indicates they were not in our facility as of 2009.

13. Homicide cases are filed/indexed by victim name and case number to ensure all the evidence is maintained together for review at all times.

14. The oldest piece of evidence still in the custody of the Raleigh Police Department dates back to the mid to late 1970s.

15. Evidence is routinely audited. The Inspections Unit for the Police Department conducts quarterly audits and one annual audit. The Captain or Lieutenant in charge of the Administrative Division conducts quarterly audits. Additionally, the City of Raleigh Police Department in accredited by CALEA, which establishes policies and practices for evidence retention, storage and destruction.

This the 1st day of April, 2014.

Wendy Lancaster

Wendy Lancaster, Evidence Manager
Raleigh Police Department

NORTH CAROLINA
COUNTY OF WAKE

Sworn to and subscribed before me, this 1 day of April, 2014.

Madeline K. Glenn

Notary Public

My Commission Expires: 8/20/14

Handout 6

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
83 CRS 84695

STATE OF NORTH CAROLINA)
)
v.) **AFFIDAVIT**
)
JAMES BLACKMON)
)

The undersigned, having first been duly sworn, deposes and says the following:

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

2. I am employed as an Assistant Clerk at the Wake County Clerk of Court. As part of my duties, I supervise the evidence room staff.

3. On or about January 31, 2014, I physically searched for evidence related to James Blackmon at the request of the North Carolina Innocence Inquiry Commission and did not find any evidence related to this case. I searched the notebook in the evidence room for James Blackmon's name and did not locate any entries. On or about February 7, 2014, I also searched the area that the evidence should have been located.

4. Our evidence facility is room 1202A in the Wake County Courthouse. To my knowledge, it has never relocated. Evidence is organized according to file number and defendant name. There is another evidence room at the new Wake County Justice Center, but it only contains evidence from October 2013 and forward.

5. Our evidence facility has no current record of the evidence related to James Blackmon, including a record for how the evidence was disposed. We do not have a physical file for James Blackmon, but we do have a partial file on microfilm.

6. I do not know the oldest piece of evidence retained by our facility.

7. There are no official regular audits or inventories conducted of the evidence room. I have conducted informal audits of the evidence room myself.

8. We currently retain all records of destruction for evidence, but I do not know the policy of prior administrations. We currently destroy files in accordance with the AOC Rules of Retention And Disposition Schedule. Under our current policy, the file for James Blackmon would not have been destroyed. Evidence is destroyed at Sheriff's Department.

9. Our filing system is indexed in notebooks by alphabetical order. The notebook will note the location the evidence should be in the evidence room.

10. There are no additional evidence storage facilities where evidence may be stored. The evidence room in the Wake County Justice Center only contains evidence from October 2013 and forward. If there is a trial going on, evidence will sometimes be stored in a secure room for the duration of the trial. Once all of the evidence, including documents, have been collected at the completion of the trial, the evidence will be moved from that secure room to the evidence room.

This the 7TH day of FEBRUARY, 2014.

Richard Brown

Richard Brown

Sworn to and subscribed before me this 7th day of February, 2014

Kelly A Russell

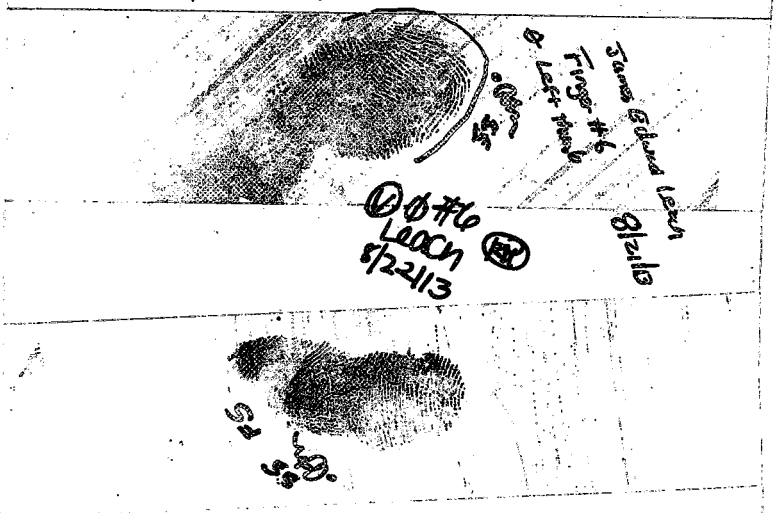
Notary Public

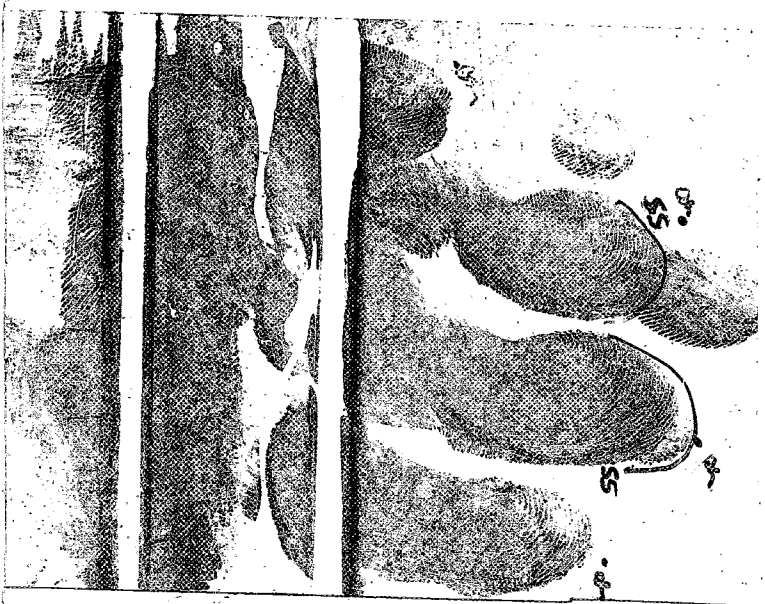
[Seal]

My Commission Expires: 12-3-17

Handout 7

Outside of bathroom
stall door
558471
9-28-79





Outside of bathroom
stall door

558471

9-28-79

JK

13-4992
Lab Ofr

Payton

CCBI #13-4992

Name Helena Payton Off. Murder ~~AWDW~~ No. 558471

Location Latham Hall, St. Aug. Coll. Date 9-28-79

Request by RPD Hardy

Contact of Client

Exposures Type Film by

Negatives Developed Date by

Prints Type Date by

Comments (job description, etc.)

~~Photo Report~~

No Ident.

James Otis Wright 41463
Charles L. Felth 30903
Victor C. Mangum 34661
William Poole 31678
Jonathan Robinson 41859
Tommy A. Garrett 53406
Eddie Lee Barnes 41646
Andrew Dennis Wms - elim.
Ronald G. Wilkins - 50127
Michael R. Alston - 37809
Lamar Davis 54237 (twice)
Randy C. McLamb 46188
Willie R. Frazier 39009
Johnny Avery - alias K.H. Abdulla 39558

Morris Moore 41142
Jackie J. Evans
Darry F. Washing
Cleveland S. Harr
David Lee Williams
see enclosed

LF
2/26/18

UNIMAX
FIRMCLASP – Suntan
No. 25 – 4⅝ x 6¾
KP 7/21/13

Handout 8

Curriculum Vitae

Renee Lynn Minella

Forensic Supervisor
(919) 255-7356
Renee.Minella@wakegov.com

EDUCATION

Slippery Rock University, **Bachelors of Science** Business Administration, September 1985-December 1988

FBI Administrative Advanced Latent Fingerprint School, **FBI Training Academy**, Quantico VA, April 1988 (5 credits, 114hrs)

American Institute of Applied Science, Forensic Science Multi-discipline, **Graduate**, June 1993 (6 credits 230 hours)

PROFESSIONAL EMPLOYMENT

Forensic Supervisor- Wake / Raleigh City- County Bureau of Identification, Raleigh, NC, Oct. 2015-present, Assistant Supervisor- Oct. 2013- Oct., 2015, Forensic Examiner, March 2008-Oct. 2013

Forensic Impressions Analyst- NC State Bureau of Investigation Crime Laboratory, Latent Evidence Section. November 2005-March 2008

Detective-3rd Grade, Latent Examiner/Mobile Crime Unit –Investigations Branch, City of Pittsburgh Bureau of Police, April 1993-April 1999

Police Officer-City of Pittsburgh, Bureau of Police, April 1989-April 1993

PROFESSIONAL QUALIFICATIONS

Certified Latent Print Examiner, International Association for Identification, March 2010-Present

Expert Witness-Qualified approx. 25 times in the Latent discipline in Municipal, Superior, and Federal Court in both Wake County, NC, and Allegheny County PA

FORENSIC TRAINING

Completed over 1000 hours of diversified Forensic Training from 1993-present, See attached sheet for course descriptions & details/ credits.

LEADERSHIP-SUPERVISOR TRAINING

FBI LEEDA, Executive Conference, April 2016
Executive Leadership Institute, FBI-LEEDA, December 2015
Command Leadership Institute, FBI-LEEDA, July 2015
Leaders Without Titles, FBI-LEEDA, Feb. 2015
Supervisor Leadership Institute, FBI-LEEDA, December 2014
Advanced Supervisor Liability, Certificate, October 2014
Supervisor Liability, Certificate, January 2014
B.O.S.S. - Graduate 18-month supervisory curriculum for public-sector management level employees totaling over 100 hours of CEU credit.

AWARDS/ RECOGNITIONS

Curriculum Vitae

Renee Lynn Minella

Forensic Supervisor
(919) 255-7356
Renee.Minella@wakegov.com

AWARDS/ RECOGNITIONS

Directors Award of Excellence, July 26, 2017, Latent Print Unit- Raleigh/Wake City- County Bureau of Identification Crime Lab

Trilogy Award Recipient, FBI LEEDA, April 2016

Letter of Commendation- Wake / Raleigh City County Bureau of Identification-April 2013-Presented by Director Pennica for work on the NCIAI Educational & Training Conference of 2013.

Certificate of Appreciation- NC SBI Crime Lab, Latent Evidence Section, March 2008, Presented by SAC J. Byrd for Case work- backlog reduction.

Best / Worst Quality Latent Hit & Identification-Spex Forensics Annual Training Conference, case latent voted by LPE peers, May 2011

Letter of Recognition-City of Pittsburgh Mayor's Office, May 1997, Presented for Letter of Recognition-City of Pittsburgh Mayor's Office, Presented for locating and developing a latent resulting in the ID and subsequent arrest of a suspect responsible for a series of home invasion Robberies. Citation given.

Letter of Recognition-City of Pittsburgh Mayors Office, June 1994, Presented for locating and developing a latent resulting in the ID and subsequent arrest of a suspect responsible for a series of home invasion Robberies. Citation given.

INSTRUCTOR/ SPECIAL LECTURER

Latent Print Unit, Trainer & Program development, March 2010-2011, 2016
North Carolina State University, Graduate School, March 2011
Wake County Public School System, 2002-Present
Girl Scouts, Coastal Pines of North Carolina, 2002-2012

SPECIALIZED TRAINING

Pittsburgh Police Mobile Crime Unit Latent Trainer, 1997-1998
Bureau of Police Public Safety Training Academy, 1997-1999

VALEAP-Virginia Law Enforcement Assistance Program, October 2015, Post Critical Incident Seminar, CISM, Wake Tech, Feb 2016
Critical Incident Stress Debriefing (CISD) Coordinator / Peer Team for CCBI, September 2015 to present

LAW ENFORCEMENT TRAINING

Pennsylvania Municipal Police Officer Graduate, April, 1989, City of Pittsburgh, Bureau of Police Training Academy

PROFESSIONAL MEMBERSHIPS

2017-2018 Board of Directors- Board Member, Conference Chair

Curriculum Vitae

Renee Lynn Minella

Forensic Supervisor
(919) 255-7356
Renee.Minella@wakegov.com

FBI LEEDA, Associate Member July 2014-2016
International Association of Identification, 2008-Present & 1993-1999,
NC International Association of Identification, Member 2008-Present
Educational & Training Conference Planning Committee 2010-present
Law Enforcement United, Member 2011-2013
International Association of Women Police-Conference Planning Committee, City of Pittsburgh, Bureau of Police 1994

RENEE LYNN MINELLA

FORENSIC TRAINING

- International Association for Identification, IAI Educational Conference, July 29- August 4, 2018 (32 hrs.)
- AFIS Workshop- Spex Forensics, Feb 2018 (24 hours)
- Quality Assurance for the LPE / Tri-Tech Forensics, Jan 8-12, 2017 (40 hours)
- NC LPE Meeting / October 2017 -FRS Stats Presentation, (6 hours)
- NCIAI Educational & Training conference, April 2017 (16 hours)
- NC LPE Conference/ Speaker, AFIS Unconfirmed Backlog- RPD, November 2016 (6 hours)
- Analysis of Distortion in Latent Prints, Alice Maceo, August 2016 (16 hours)
- NCIAI Educational & Training Conference, NC State May 2016 (20 hours)
- FBI LEEDA Conference –Trilogy Award Recipient, April 2016
- NC LPE Conference, October 2015 (6 hours)
- SAMSI Workshop -Statistics & Applied Mathematics in Forensic Science Sept 2015 (5 hours)
- NCIAI Educational & Training Conference, Greensboro, May 2015 (20 hours of Forensic Training)
- Examination, Comparison & Identification of Footwear-Phase II, Sirchie, April 2015
- FBI LEEDA-Advanced Supervisory Liability Training, March 2015
- FBI LEEDA-Leaders Without Titles, February 2015
- FBI LEEDA-Executive Leadership Institute, December 2014 (1rst in Trilogy)
- Laboratory Accreditation-Senate Bill 200, NCIAI-Wake Tech, October 2014
- A Guide to Latent Print Testimony, August 2014 (RTI)
- Laboratory Accreditation & comparison of Footwear Evidence, July 2014 (Forensic ITC)
- Fingerprint Identification: Reliability & Accuracy , July 2014 (RTI)
- Erroneous Exclusions Webinair, June 2014
- NCIAI Training and Educational Conference, April 2014, 2015-Conference Planning Committee
- FBI LEEDA -Supervisor Liability , January 31, 2014
- Internal Auditor Training, April 2014
- NCIAI Training and Educational Conference, April 2013 (15 hours Forensic training)
- ASCLD/Lab International Preparation Course-Testing Labs, October 2012
- Examination and Recovery of Footwear Evidence, June 2012
- NC IAI Annual Training & Educational Conference, March 2012
- NC IAI Annual Training LPE Meeting, October 2011
- Forensic Digital Image Processing, FORAY, Sept. 2011
- International Association for Identification, Educational Conference, August 2011 (Milwaukee, WI)
- Footwear/Tire tread Documentation-Collection, May 2011
- SPEX Forensics Annual Training Conference, May 2011
- NC LPE Meeting, February 2011
- LPE Fall Conference-Winston Salem, October 2010
- NC IAI Spring Conference- Raleigh, NC, May 2010
- NCSU Forensic Science Symposium, Raleigh NC, December 2009
- FBI-Daubert Direct Testimony, Raleigh, NC, April 2009
- NC LPE Conference, Raleigh NC, September 2008
- IAI Educational Conference- Louisville, KY, August 2008
- Palm Print Analysis, NC Justice Academy, July 2008
- NC IAI Spring Conference, Forensic Training, May 2008
- Advanced Latent Ridgeology, Sirchie Laboratories, May 2008

- SPEX Forensics Printquest AFIS & APIS, April 2008
- NC LPE Conference, Guilford County, May 2007
- Advanced Palm Print Comparison, R S & A Nashville, TN, March 2007
- NCIAI Conference- Forensic Training, Raleigh, NC, April 2006
- Advanced Ridgeology, INS Lab, Pat Wertheim, McClean VA, March 2000
- Forensic Identification Seminar, Metropolitan Toronto PD, October 1997
- AFIS, NEC Technologies Training, PA State Police, October 1997
- International AFIS Internet Conference, Harrisburg, PA, September 1996
- Advanced Latent Fingerprint Development Techniques, F.B.I., August 1995
- Palm Print Symposium, Ron Smith, April 1995
- Fingerprint Classification & Identification, F.B.I., May 1994
- Crime Scene Search, F.B.I., September 1993
- Basic Fingerprinting, P.I.A.I., March 1993
- Pennsylvania Municipal Police Officer Graduate, City of Pittsburgh, Bureau of Police, Training Academy
- April, 1989,
- BOSS Curriculum- Building Organizational Supervisory Success: Graduated -September 2014
    - HR Core 1 - 2/26/14
    - HR Core II -4/3/14 & 5/28/14
    - HR Core III -6/14/14
    - Crucial Conversations –Part 1 & 2 6/12/14 & 6/19/14
    - Myers Briggs Type Indicator -10/20/13
    - Seven Habits of Highly Effective People, Part 1,2 & 3 11/7/13, 11/14/13 & 11/21/13
    - Trust- 8/22/13
    - Listening -2/21/14
    - Feedback and Coaching- 8/20/13
    - Conflict, Confrontation and Defensiveness-3/6/14
    - Peer Today, Boss Tomorrow, 3/25/14
    - Emotional Intelligence -12/3/13

Professional Development/ Presenter & Lecturer:

- International Association for Identification Educational Conference, IAI- Presenter/ Lecturer, July 31, 2018- Latent Print Unit Backlog Reduction Strategies & Policy Creation, San Antonio Texas
- NCIAI Educational Conference, Presenter-Latent Print Unit Backlog Strategies & Policy Creation, Winston Salem, NC, May 2018
- MAFFIE Meeting, Charlotte NC Jan. 2016

Updated 10/23/18
RLM

Handout 9

City-county Bureau Of Identification

Incident Case Number: 13-004992

Reporting Agency: City-county Bureau Of

Print Date/Time: 11/08/2018 14:12:40

Disclaimer: The information contained within this report is reflective of the investigation at the date and time of its printing.

INCIDENT/INVESTIGATION REPORT

Agency Name	City-county Bureau Of Identification
ORI	NC092013Y
Case#	13-004992
Date / Time Reported	07/19/2013 14:31 Fri
Last Known Secure	07/19/2013 14:29 Fri
At Found	07/19/2013 14:30 Fri

INCIDENT DATA

Location of Incident	Premise Type	Zone/Tract
3301 Hammond Rd,	Other/unknown	

	Crime Incident(s)		Weapon / Tools			Activity
#1	Murder & Non-negligent Manslaughter 0110	(Com) F	Unknown			
			Entry	Exit	Security	
#2	Crime Incident	( )	Weapon / Tools			Activity
			Entry	Exit	Security	
#3	Crime Incident	( )	Weapon / Tools			Activity
			Entry	Exit	Security	

MO

VICTIM

of Victims 1 | Type: INDIVIDUAL/ NOT LAW | Injury: Other Major Injury

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	PAYTON, HELENA	1,		U	F	1RU		

Home Address	Home Phone
	- -

Employer Name/Address	Business Phone	Mobile Phone
	- -	

VYR	Make	Model	Style	Color	Lic/Lis	VIN

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status

Home Address	Home Phone

Employer Name/Address	Business Phone	Mobile Phone

Type: Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status

Home Address	Home Phone

Employer Name/Address	Business Phone	Mobile Phone

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 7 = Stolen 6 = Seized 5 = Recovered 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID#	ROBERTSON, J. J. (UNAS, UNAS) (ID9347)
Invest ID#	(0)
Supervisor	ROBERTSON, J. J. (UNAS, UNAS)
Status	
Complainant Signature	
Case Status	Open 07/19/2013
Case Disposition:	

INCIDENT/INVESTIGATION REPORT

City-county Bureau Of Identification

Case # *13-004992*

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
DRUGS						

Assisting Officers

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 13-004992 *City-county Bureau Of Identification*

N A R R A T I V E

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

Homicide

DOO: 9/28/1979

Vic: Helena Payton

RPD #: 558471

City-county Bureau Of Identification OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *08/23/2013 09:43:39, Friday*

Supervisor: *DAVIS, T. T. (ID9348)* **Supervisor Review Date / Time:** *08/23/2013 11:05:19, Friday*

Contact: **Reference:** *Case Progress Notes*

CCBI #: 13-4992 (Original CCBI #558471 - 9/28/1979 Date of Collection)
RPD

DATABASE SEARCH REVIEW - The database search review is a notification indicating which latent impressions from a case, if any, have been submitted for database searching. It is only a preliminary review of the latent print evidence received in a case.

If a latent print search is conducted on the LOCAL/STATE system(s), the below-listed information will explain which lift cards contained latent evidence that was searched.

Latent impressions will be retained in the LOCAL/STATE database system(s) for continued searching against newly acquired finger and palm records.

If a latent print search is conducted on the FEDERAL system, the latent print images will not be retained for continued searching. Therefore, negative results for federal database searches will be so indicated.

A latent report will be generated for database searches that yield positive results.
Latent print evidence not of quality for database searching will be listed as NOT DATABASE QUALITY, or NDQ.

DATABASE SEARCH ABBREVIATIONS:
LOCAL DATABASE SEARCH = LS
STATE DATABASE SEARCH = SS
FEDERAL DATABASE SEARCH = FS/NEG
LATENT EVIDENCE THAT IS NOT OF DATABASE QUALITY = NDQ

LIFT CARD(S) # / DATABASE(S) SEARCHED OR NDQ:
LC1 / LS SS
LC2 / LS SS

THIS REVIEW WAS CONDUCTED ON: 8/7/13, 8/19/13, 8/21/13

(RLM)

Investigator Signature Supervisor Signature

City-county Bureau Of Identification OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *08/27/2013 08:17:55, Tuesday*

Supervisor: *HEINRICH, R. X. (ID9303)* **Supervisor Review Date / Time:** *08/27/2013 09:31:19, Tuesday*

Contact: **Reference:** *Ccbi Report*

Raleigh/Wake City-County Bureau of Identification
3301 Hammond Road
Raleigh, North Carolina 27603

Requestor
Raleigh Police Department - 6716 Six Forks Road - Raleigh, NC 27615

Victim: Helena Payton
Requesting Agency Case #: 558471
Submitted By: Agent Hardy
Type of Case: Homicide

Subject: James Edward Leach

==========
Latent Print Unit Examination Report
==========

FULL CASE LATENT PRINT EXAMINATION REPORT

ITEMS SUBMITTED:

One (1) sealed latent envelope containing latent print lift cards numbered as #1 - #2, submitted by Agent Hardy on 09/28/1979.

The known impressions of James Edward Leach, SID NC0154713A, as generated by a state database search.

TYPE ANALYSIS REQUESTED:

Latent Print Examination

RESULTS AND CONCLUSIONS:

One (1) as James Edward Leach

Investigator Signature Supervisor Signature

City-county Bureau Of Identification OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *08/27/2013 08:17:55, Tuesday*

Supervisor: *HEINRICH, R. X. (ID9303)* **Supervisor Review Date / Time:** *08/27/2013 09:31:19, Tuesday*

Contact: **Reference:** *Ccbi Report*

The latent print evidence collected on the lift cards as listed was analyzed, compared, and evaluated (when applicable) against the known impressions of LEACH.

Lift card 1: "outside of bathroom stall door"

Finger #6, (left thumb), of LEACH, was identified one time.
LEACH was excluded as the source of the remaining latent print impressions on this lift card.
Lift card 2: "outside of bathroom stall door"
LEACH was excluded as the source of the latent print impressions of value on this lift card.
The remaining latent print impressions on this lift card contain insufficient ridge detail for comparison or identification.

Forensic Supervisor Rebecca Heinrich, CLPE independently verified the latent print identification.

DISPOSITION:

The above items will be retained in file.

Renee Minella, CLPE
Senior Forensic Examiner / Assistant Supervisor

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Investigator Signature Supervisor Signature

City-county Bureau Of Identification OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *01/07/2014 13:05:06, Tuesday*

Supervisor: *DAVIS, T. T. (ID9348)* **Supervisor Review Date / Time:** *01/07/2014 13:48:11, Tuesday*

Contact: **Reference:** *Case Progress Notes*

CCBI #: 13-4992
RPD #: 558471

(Date of original incident 9/28/1979)

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Latent print evidence not of quality for database searching will be listed as NOT DATABASE QUALITY, or NDQ.

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STATE DATABASE SEARCH = SS
FEDERAL DATABASE SEARCH = FS/NEG
LATENT EVIDENCE THAT IS NOT OF DATABASE QUALITY = NDQ

LIFT CARD(S) # / DATABASE(S) SEARCHED OR NDQ:
LC1 / FS (neg)

THIS REVIEW WAS CONDUCTED ON: 1/6/14

(RLM)

Investigator Signature Supervisor Signature

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *01/07/2014 16:35:14, Tuesday*

Supervisor: *DAVIS, T. T. (ID9348)* **Supervisor Review Date / Time:** *01/07/2014 16:47:39, Tuesday*

Contact: **Reference:** *Case Progress Notes*

CCBI #: 13-4992
RPD #: 558471

(Date of original incident 9/28/1979)

DATABASE SEARCH REVIEW - The database search review is a notification indicating which latent impressions from a case, if any, have been submitted for database searching. It is only a preliminary review of the latent print evidence received in a case.

If a latent print search is conducted on the LOCAL/STATE system(s), the below-listed information will explain which lift cards contained latent evidence that was searched.

Latent impressions will be retained in the LOCAL/STATE database system(s) for continued searching against newly acquired finger and palm records.

If a latent print search is conducted on the FEDERAL system, the latent print images will not be retained for continued searching. Therefore, negative results for federal database searches will be so indicated.

A latent report will be generated for database searches that yield positive results.
Latent print evidence not of quality for database searching will be listed as NOT DATABASE QUALITY, or NDQ.

DATABASE SEARCH ABBREVIATIONS:
LOCAL DATABASE SEARCH = LS
STATE DATABASE SEARCH = SS
FEDERAL DATABASE SEARCH = FS/NEG
LATENT EVIDENCE THAT IS NOT OF DATABASE QUALITY = NDQ

LIFT CARD(S) # / DATABASE(S) SEARCHED OR NDQ:
LC1 / SS (duplicate entry/ searched on 8/21/13)

THIS REVIEW WAS CONDUCTED ON: 1/6/14

(RLM)

Investigator Signature Supervisor Signature

CASE SUPPLEMENTAL REPORT

NOT SUPERVISOR APPROVED

Printed: 11/08/2018 14:12

City-county Bureau Of Identification

OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *RAINEY, T. X. (ID9104)* **Date / Time:** *01/22/2014 11:39:09, Wednesday*

Supervisor: *(0)* **Supervisor Review Date / Time:** *NOT REVIEWED*

Contact: **Reference:** *Report Sent To Da`s Office*

Court order completed on 1/17/2014 to NC Innocence Inquiry Commission.
Wake DA`s office Discovery completed on 1/22/2014. [01/22/2014 11:47, CBI9104, 181, CBI]

Investigator Signature Supervisor Signature

City-county Bureau Of Identification OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *11/08/2018 10:59:16, Thursday*

Supervisor: *HEINRICH, R. X. (ID9303)* **Supervisor Review Date / Time:** *11/08/2018 13:34:40, Thursday*

Contact: **Reference:** *Ccbi Report*

Raleigh/Wake City-County Bureau of Identification
Crime Laboratory Division
3301 Hammond Road
Raleigh, North Carolina 27603

Requestor
Innocence Commission, Lindsey Guice Smith
P.O. Box 2448 Raleigh, NC 27602

Submitting Agency Case #: RPD 79-558471
Type of Case: Homicide
Submitted By: Agent Hardy
Date Submitted: 9/28/1979
Date Requested: 10/29/18
Subjects: James A. Blackman
William Edward Poole
James Edward Leach
Victim: Helena Payton

==========
CCBI Laboratory Report
==========

Item(s) Submitted:

---Latent Evidence---

One (1) sealed envelope
Lift Cards 1-2

---Known Standards---

Subject: James A. Blackman
Local # 68025

Subject: William Edward Poole

Investigator Signature Supervisor Signature

City-county Bureau Of Identification OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *11/08/2018 10:59:16, Thursday*

Supervisor: *HEINRICH, R. X. (ID9303)* **Supervisor Review Date / Time:** *11/08/2018 13:34:40, Thursday*

Contact: **Reference:** *Ccbi Report*

SID #: NC0031102A

Subject James Edward Leach
Local ID # 034950

Type Examination Requested: Full Case Comparison - An analysis and comparison of all latent evidence to all known standards.

Results and Conclusions:

---Exclusion(s) & Inconclusive(s)---
Exclusion - The subject was eliminated as the source of the latent impression.
Inconclusive - The subject was not identified or excluded as the source of a latent impression.

Lift Card 1: "outside of bathroom stall door""
Inconclusive: BLACKMAN, POOLE & LEACH (due to policy change- original examiner and verifying examiner could not reach an agreement)

Lift Card 2: "Outside of bathroom stall door"
Inconclusive: BLACKMAN, POOLE & LEACH (due to policy change-original examiner and verifying examiner could not reach an agreement)

---Additional Information---

Lift cards which contain latent print impressions with identifications, exclusions, or inconclusive results may also contain additional latent impressions that are of no value for comparison or identification.

The above evidence has been retained on file at CCBI.

R. Minella, CLPE
Latent Print Examiner

Investigator Signature Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 11/08/2018 14:12

City-county Bureau Of Identification

OCA: 13004992

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

Case Status: *OPEN* **Case Mng Status:** *NA* **Occurred:** *07/19/2013*

Offense: *MURDER & NON-NEGLIGENT MANSLAUGHTER*

Investigator: *MINELLA, R. L. (ID9343)* **Date / Time:** *11/08/2018 10:59:16, Thursday*

Supervisor: *HEINRICH, R. X. (ID9303)* **Supervisor Review Date / Time:** *11/08/2018 13:34:40, Thursday*

Contact: **Reference:** *Ccbi Report*

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Investigator Signature Supervisor Signature

13-4992
Pm 1
Pg 1

CITY-COUNTY BUREAU OF IDENTIFICATION
LATENT UNIT EXAM NOTE SHEET

CASE INFORMATION

Examiner: R. Minella	Date Started: 10/30/18	Date Completed: 11/1/18
CCBI Case #: 13-4992	Agency: RPD & Innocence Commission	Agency Case #: 79558471
Crime Type: Homicide	Victim: Helena Payton	Examination Type: Full

LATENT EVIDENCE

NDQ	Item # / Call ID #	Lift Card # / Total # Digital Images	Collected By	Date Submitted	Condition
☐	N/A	LC1-2	Agent Hardy	N/A	N/A at time Sealed

DATABASE SEARCHING

☒Database searching previously completed.

Lift Card # or Image #	LS Date	#F	#P	SS Date	#F	#P	FS Date	#F	#P
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**All remaining Lift Cards/Digital Images not listed above were deemed NDQ and/or DUP.*

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COMPARISONS

KNOWN STANDARD(S)

Subject(s)	Unique ID #	Generated By	Condition	Other	Total # of Ø
James A. Blackman	Local ID # 68025 Ink- 9/12/83 SAFIS- 12/7/1983	Request to compare - manual, Innocence Commission 10/24/18	N/A	Prev. compared by M. Ludas on 2/24/1983-EXC. (New policy- VER of EXC)	0
William Edward Poole	SID NC# NC0031102A Local ID # 130009 D.O.A. 8/2/1997	Request to compare- manual, Innocence Commission 10/24/18	N/A	Prev. compared by W. M. Parker on 10/31/79. (New policy- VER of EXC)	0
James Edward Leach	Local ID # 034950 LVS 6/3/2003, Ink 12/5/1967, Ink- 5/5/81	Prev. compared by R. Minella & published report- 8/27/13	N/A	Request to verify EXC as per C. Stark 10/29/18	1 (original)

ANALYSIS / COMPARISON / EVALUATION

Lift Card # or Image #	Lift Location	Latent Level 1	Analysis / Comparison	Evaluation	# of Ø	ID date
LC1 PH (dup) (2 pieces of lifting tape)	"outside of bathroom stall door"	F	TP ?PT SM MV DK MST MV POQU DST Min L2 (DBL?) SPY (ID to #6- LEACH not included- see notes 8/22/13)	EXC: BLACKMAN EXC: POOLE EXC: LEACH	0	N/A
LC2	"Outside of bathroom stall door"	F-/ ?PT	SML? (Anatomically consistent with # 7-10?) DST DK SM OVL MV DBL? SM PO QU QA Min L2	<u>OV for EXC:</u> EXC: BLACKMAN EXC: POOLE EXC: LEACH (8/22/13)	0	N/A
		F-?PT W?	SML? RC-CRE? DST SM PO QU QA DK PO CLR Min L2 MV	<u>OV for EXC:</u> EXC: BLACKMAN EXC: POOLE EXC: LEACH (8/22/13)	0	N/A
		F's	? SML ?PT MLT FRG PO QU QA CLR SM DST Min L2	RD NV		
		Imp?	FRG PO QU QA OVL MV (2) parallel linear voided areas BLW SML digits	Remaining RD NV		

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13-4992
pg 3

CITY-COUNTY BUREAU OF IDENTIFICATION
LATENT UNIT EXAM NOTE SHEET

CONSULTATION(S)

Lift Card # or Image #	Nature of Consult	Examiner Consulted	Result of Consult	Date of Consult
N/A	N/A	N/A	N/A	N/A

AFIS ASSOCIATION(S) (LIMITED CASE ONLY)

Lift Card # Or Image #	Lift Location	Subject
N/A	N/A	N/A

UNIDENTIFIED LATENT PRINTS REMAINING (FULL CASE ONLY)

Lift card #	Number of friction ridge impressions of value remaining	Observations
LC1	1	Tip impression, ?PT
LC2	2 (of value for exclusion only)	SML- Limited L2 detail available/ Anatomically consistent with a SML

Total number: 1
(2 impressions-of value for exclusionary purposes only)

REVIEW

Verified By	Name/Date: *See CCBI Form 111.2 (next page) - J McMannes 11/7/18

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Raleigh-Wake City-County Bureau of Identification
Additional Notes

Page 4-m
CCBI Case # 13-4992
Initials JJM JJM
Date 11/7/2018

On 11/1/18, I received LC's 1 & 2 in the case number referenced above for the purpose of performing verifications of exclusions made by R. Minella. On 11/5/18, I examined the excluded print on LC 1 and reviewed R. Minella's contemporaneous notes. I agreed with her analysis of the impression (TP, ?PT, MV, PO QU, DST, MIN L2, DBL?, SPY); however, with the impression appearing to be a tip, and not having major case impressions/tips of all the subjects compared, I could not reach or verify the conclusion of Exclusion as noted by R. Minella.

I then examined the two excluded impressions on LC 2 and reviewed the documented analysis by R. Minella. I also agreed that the impressions had the look of being simultaenous, and with her documentation of ?PT, DST, SM, OVL, PO QU/QA, PO CLR, MIN L2, MV. With the unclear pattern types, high degree of distoration present, movement, and shifting of ridges within the impressions, I could not conclusively trust the minimal minutia present to exclude the subjects compared. Therefore, I could not reach or verify the conclusions of Exclusion as noted by R. Minella.

JJMcDonnes 11/7/18

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Raleigh-Wake City-County Bureau of Identification
Additional Notes

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CCBI Case # 13-4992
Initials RH
Date 11/8/18

Pg 5

On 11/7/18 Renee Minella and Julianne McMannes approached me regarding a conflict of opinion that occurred during the verification process.

After a review of the evidence I determined that there were no erroneous conclusions in the examination or in the verification. An evaluation of the conclusion determined that the indecision was justifable, and therefore according to current policy guidelines, the conclusion would need to be reported out as "inconclusive" as opposed to "excluded".

Rebecca Heinrich R. Heinrich
Forensic Supervisor, Technical Leader

CCBI
00015

User: rminella 2:57:46 PM

dent ID: 606000578630

Record Type: A

13 1992

ction Data | Descriptors | Mugshots | Custom | Signatures | Workflow History

Tenprint | Latent | Find

Sex	Male
Race	Black
ast Name	BLACKMAN
rst Name	JAMES
lle Name	
me Suffix	
en Name	
s Names	Alias Names
Height	5'11"
Weight	195
Eye Color	Brown
Hair Color	Black
Skin Tone	
of Arrest	12/07/1983
e of Birth	Date of Birth (1)
e of Birth	North Carolina
erprinted	

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ccyy.

Subject Information Populated by Bruce Johns / SBI ID for exam at my request on 11/1/18 R.L. Minella (Name was not on card)

Process Selected Images | Save and Exit | Save and Next

Find Tenprint | Find Latent | Compare Records | Home Page | Print Screen | Checklist | Submit Transaction | Manager | Reports

Handout 10

WILLIAM E. POOLE

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
ASSAULT ON FEMALE (M)	WAKE	09/25/2001	05/07/2002
AWDW (M)	WAKE	08/01/1997	10/17/1997
DISORDERLY CONDUCT (M)	WAKE	05/04/1991	05/06/1991
LARCENY (M)	WAKE	04/24/1989	08/03/1989
LARCENY OF MOTOR VEHICLE	WAKE	UNKNOWN	12/09/1980
DISORDERLY CONDUCT (M)	WAKE	UNKNOWN	05/08/1979
LARCENY	UNKNOWN	ARRESTED 04/05/1966	UNKNOWN
LARCENY	UNKNOWN	UNKNOWN	07/14/1965
MALICIOUS DAMAGE TO PROPERTY	UNKNOWN	ARRESTED 06/25/1964	UNKNOWN

Handout 11

JAMES EDWARD LEACH

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
2ND DEG TRESPASS (M)	WAKE	06/14/2007	10/10/2007
PROBATION VIOLATION (M)	WAKE	UNK	5/7/2002
POSSESS DRUG PARAPHERNALIA (M)	WAKE	04/27/1999	06/25/1999
ESCAPE FROM DETENTION CENTER (M)	WAKE	07/03/1998	08/17/1998
PROBATION VIOLATION (M)	WAKE	UNK	6/2/1998
ASSAULT ON FEMALE	WAKE	01/19/1998	04/30/1998
2ND DEG TRESPASS (M)	WAKE	09/03/1996	05/09/1997
ASSAULT ON FEMALE (M)	WAKE	10/16/1996	03/10/1997
ASSAULT ON FEMALE	WAKE	08/27/1996	11/01/1996
2ND DEG TRESPASS	WAKE	08/27/1996	11/01/1996
INJURY TO PERSONAL PROPERTY (M)	WAKE	02/29/1996	07/12/1996
BREAKING OR ENTERING (M)	WAKE	08/04/1995	09/18/1995
PROBATION VIOLATION (M)	WAKE	UNK	8/30/1989
POSSESS MARIJUNA UP TO ½ OZ (M)	WAKE	07/28/1989	08/30/1989
DRIVING WHILE IMPAIRED (M)	WAKE	06/04/1988	10/19/1988

TRANS ALC / CONTAINER NOT MANU	WAKE	06/04/1988	10/19/1988
CIVIL REVOCATION DR LIC	WAKE	06/04/1988	07/26/1988
ASSAULT ON LAW OFFICER (M) (x2)	WAKE	03/22/1987	06/04/1987
ASSAULT ON A FEMALE (M)	WAKE	03/22/1987	06/04/1987
RESIST/OBSTRUCT PUBLIC OFFICER (M)	WAKE	03/22/1987	06/04/1987
ASSAULT WITH A DEADLY WEAPON (M)	WAKE	06/20/1986	08/20/1986
CARRYING CONCEALED WEAPON	WAKE	UNKNOWN	04/26/1986
INTOXICATED AND DISRUPTIVE	WAKE	UNKNOWN	04/26/1986
RESIST/OBSTRUCT PUBLIC OFFICER (M)	WAKE	11/25/1981	10/14/1982
AGGRAV ASSLT (M)	WAKE	UNKNOWN	05/12/1977
BURGL – B & E W/I TO COMMIT LARC/FEL	WAKE	VARIOUS	01/08/1968

Handout 12

JAMES EDWARD LEACH PHYSICAL DESCRIPTION, ARRESTS, INCARCERATIONS, AND WHEREABOUTS 1967-2008

DOB: 12/16/1950

Date	Location	Notes	Physical Description	File Location
10/28/1967	Raleigh	RPD Report: Damage to Property. Money box taken from Nab machine. No suspects and marked inactive. NOTE: Leach is not specifically mentioned, but record was provided by RPD in response to NCIIC request for Leach's RPD records.	N/A	RPD file, p. 1-2
10/28/1967	Raleigh	RPD Report: Breaking and Entering Trailer broken into and tools taken at A&N Electric Company. James Leach (age 16) and Ralph Chambers (age 14) arrested. They admitted to a series of burglaries in the business district and nearby streets, however, they did not admit to this case. Reports indicate it was "highly possible" that they did this crime, so the case is "exceptionally cleared."	N/A	RPD files, p. 7-9.
10/29/1967	Raleigh	RPD Report: Breaking and Entering. Two black boys broke into cigarette machine with prying tool at Big Management Club. Nothing taken. Did not take anything. Police chased both boys, who jumped a high fence. Report dated 12/10/1967: Leach and Ralph Chambers arrested and admitted to using crowbar and to other breaking and enterings. Case is "exceptionally cleared."	N/A	RPD Files, p. 3-6
12/3/1967	Raleigh	RPD Report: Damage to Property and Larceny.	N/A	RPD files, p. 10-11

Date	Location	Notes	Physical Description	File Location
		Vending machine broken into and money stolen at Carolina Motor Sales. Police believed James Leach and Ralph Chambers were responsible because they had admitted to 40-50 breaking and enterings in the downtown area. Case "exceptionally cleared."		
12/3/1967	Raleigh	RPD Report: Breaking and Entering at Federal Property Agency. Drink/snack machines pried open and coins taken. NOTE: Leach is not specifically mentioned, but record was provided by RPD in response to NCIIC request for Leach's RPD records.	N/A	RPD files, p. 14-18
12/4/1967	Raleigh	RPD Report: Damage to Property. Police officer on patrol observed two black males run from a Laundromat. The two subjects (neither named as Leach) were later apprehended and released. Door on coffee machine was pried open. Police unable to make case against suspects. NOTE: Leach is not specifically mentioned, but record was provided by RPD in response to NCIIC request for Leach's RPD records.	N/A	RPD files, p. 12-13
12/5/1967	Raleigh, NC	Leach fingerprints collected by CCBI related to Breaking and Entering and Larceny charges.	5'5", 142 lbs., "Build: Slender", "Beard: Light."	CCBI, p. 6.
1/9/1968	Polk YI	New admission to prison.	N/A	DPS External Movements
4/1/1969	Polk YI	Receives infraction for negligently performing duties.	N/A	DPS infraction records.

Date	Location	Notes	Physical Description	File Location
9/29/1970	UNK	Released on Parole from Polk CI	N/A	DPS External Movements
12/8/1970	UNK	Returned from Parole/Permanent Parole Revocation.	N/A	DPS External Movements
2/2/1971	UNK	Receives infraction for creating offensive situation.	N/A	DPS Infraction Summary
12/1/1971	UNK	Receives infraction for theft of property.	N/A	DPS Infraction Summary
2/14/1972	Central Prison	Transferred to Central Prison from Western YI.	N/A	DPS External Movements
3/27/1972	Polk YI	Transferred to Polk YI from Central Prison.	N/A	DPS External Movements
4/7/1972	Central Prison	Transferred to Central Prison Youth Center from Polk YI.	N/A	DPS External Movements
6/21/1972	Central Prison	Transferred to Central Prison Honor Guard from Central Prison Youth Center.	N/A	DPS External Movements
12/14/1972	UNK	Released on Parole from Triangle CI	N/A	DPS External Movements
5/7/1973	UNK	Returned from Parole; returned to prison for loss of employment	N/A	DPS External Movements
6/28/1973	Sampson CI	Transferred to Sampson CI from Central Prison.	N/A	DPS External Movements

Date	Location	Notes	Physical Description	File Location
9/11/1973	Triangle CI	Transferred to Triangle CI from Sampson CI.	N/A	DPS External Movements
11/1/1973	Triangle CI	Receives infraction for negligently performing duties.	N/A	DPS Infraction Summary
12/16/1973	Raleigh, NC	Leach's daughter with Barbara Sanders is born.	N/A	Barbara Sanders Interview
5/2/1974	Triangle CI	Receives infraction for weapon possession.	N/A	DPS Infraction Summary
6/13/1974	Halifax CC	Transferred to Halifax CC from Triangle CI.	N/A	DPS External Movements
7/11/1974	Triangle CI	Transferred to Triangle CI from Halifax CC.	N/A	DPS External Movements
7/31/1974	Triangle CI	Assigned to work release status.	N/A	DPS Activity History/Job Activity History
12/30/1974	UNK	Receives infraction for disobeying order.	N/A	DPS Infraction Summary
1/8/1975	Central Prison	Transferred to Central Prison from unknown location.	N/A	DPS External Movements
1/21/1975	Caledonia CI	Transferred to Caledonia CI from.	N/A	DPS External Movements

Date	Location	Notes	Physical Description	File Location
2/18/1975	Polk YI	Transferred from Caledonia CI to Polk YI.	N/A	DPS External Movements
2/20/1975	Caledonia CI	Transferred from Polk YI to Caledonia CI.	N/A	DPS External Movements
11/14/1975	Caledonia CI	Expiration of Sentence.	N/A	DPS External Movements
2/22/1977	N/A	Daughter Tasha Pierce is born; Cynthia Pierce is the mother (unknown if James Leach was present for daughter's birth)	N/A	Cynthia Pierce interview
5/12/1977	Raleigh, NC	Misdemeanor Aggravated Assault. NOTE: records indicate this date as date of arrest and date of conviction.	N/A	DCIN
2/28/1978	Triangle CI	Re-Admission (Probation Revoked)	N/A	DPS Movement Records; DCIN
3/17/1978	Triangle CI	Receives infraction for profane language.	N/A	DPS Infraction Summary
5/20/1978	Triangle CI	Expiration of Sentence	N/A	DPS Movement Records
UNK	UNK	DPS "Personal Characteristics"	6'1", 158 lbs., medium complexion, thin build.	DPS records.

Date	Location	Notes	Physical Description	File Location
12/15/1978	Darlington, SC	Marries Cynthia Pierce Leach in Darlington, SC. According to Cynthia Pierce Leach, he returns to Raleigh a few days after the wedding.	N/A	Marriage Certificate; Cynthia Pierce Leach interview
5/5/1981	Raleigh, NC	Leach fingerprints collected by CCBI related to Breaking and Entering and Larceny Charges.	6', 170 lbs.	CCBI, p. 5
5/27/1981	Raleigh, NC	Breaking and Entering and Larceny charges from 5/5/1981 dismissed for no probable cause.	N/A	DCIN
11/25/1981	Raleigh, NC	Arrested for Interfering and Obstructing Officer.	N/A	DCIN
3/25/1982	Raleigh, NC	Found guilty of two (2) counts of Resist/Obstruct Public Officer (related to 11/25/1981 arrest).	N/A	CJ Leads
10/14/1982	Raleigh, NC	Found guilty of two (2) counts of Resist/Obstruct Public Officer (related to 11/25/1981 arrest).	N/A	CJ Leads
10/30/1982	Raleigh, NC	Charged with Trespass Without A License and Assault on a Female.	N/A	CJ Leads
12/15/1982	Raleigh, NC	Charged with Non-Support of Illegitimate Child.	N/A	CJ Leads
1/3/1983	Raleigh, NC	Trespass Without A License and Assault on a Female charges voluntarily dismissed (related to 10/30/1982 charges).	N/A	CJ Leads
3/29/1986	Raleigh, NC	Charged with Carrying a Concealed Weapon and Intoxicated and Disruptive.	N/A	CJ LEADS
4/26/1986	Raleigh, NC	Convicted of Carrying a Concealed Weapon and Intoxicated and Disruptive (related to 3/29/1986 charges).	N/A	CJ Leads

Date	Location	Notes	Physical Description	File Location
6/20/1986	Raleigh, NC	Offense date for AWDW.	N/A	CJ Leads
6/21/1986	Raleigh, NC	Charged with AWDW	N/A	CJ Leads
8/20/1986	Raleigh, NC	Found guilty of AWDW (related to 6/20/1986 charges).	N/A	CJ Leads
3/22/1987	Raleigh	RPD Report: Assault on Female. Victim listed as Judy Oakley (aka Judy Bolton aka Judy Hedgepeth). Oakley reported that her boyfriend, James Leach, accused her of having sex with someone else, told her he was going to kill her, and choked her until she got away. Oakley was noted to have swelling and scratches on her neck. Pamela Oakley, the Victim's daughter, said she thought her mother's boyfriend was trying to kill her and Leach threatened her for calling the police. She said he had a knife. Leach injured two officers attempting to arrest him.	6', 160 lbs., short afro, mustache, dark complexion, "dirty/ragged" appearance, medium build, right handed.	RPD, p. 19-31
6/4/1987	Raleigh, NC	Leach found guilty of Assault On A Female, Resisting/Obstructing a Public Officer, Assault On A Law officer (related to 3/22/1987 charges).	N/A	DCIN
6/8/1987	Triangle CI	Re-Admission to Prison	N/A	DPS External Movements
8/3/1987	UNK	Receives infraction in prison for disobeying orders.	N/A	DPS Infraction Summary
12/4/1987	Triangle CI	Parole/Return to Parole	N/A	DPS External Movements
12/4/1987	UNK	Abscond/Warrant	N/A	DPS External Movements

Date	Location	Notes	Physical Description	File Location
6/4/1988	Raleigh, NC	Charged with No Operators License, DWI, Civil Revocation, and Misdemeanor Probation Violation.	N/A	CJ Leads
7/26/1988	Raleigh, NC	Civil Revocation of Driver's License (related to 6/4/1998 charges).	N/A	CJ Leads
9/2/1988	UNK	Returned from Parole/End Violation Date	N/A	DPS External Movements
10/12/1988	UNK	Permanent Parole Revocation	N/A	DPS External Movements
10/19/1988	Raleigh, NC	Found guilty of No Operators License and DWI.	N/A	CJ Leads
11/18/1988	Triangle CI/UNK	Returned to Parole/Terminated Parole	N/A	DPS External Movements
7/28/1989	Raleigh, NC	RPD Report: Possession with Intent to Sell and Deliver Marijuana. Leach arrested for Possession With Intent to Sell and Deliver Marijuana. Leach was approached by law enforcement and discarded a plastic bag with nine (9) individually wrapped bags of marijuana. Fingerprints collected by CCBI.	RPD: 6'1", 170 lbs., short afro, no facial hair, dark complexion, uniformed appearance, medium build, right handed. CCBI: 6'1", 160 lbs.	RPD, p. 32-33; CCBI, p. 4
8/30/1989	Raleigh, NC	Probation Violation.	N/A	CJ Leads

Date	Location	Notes	Physical Description	File Location
8/30 or 8/31/1989	Raleigh, NC	Convicted on Possession of Marijuana charge.	N/A	DCIN
11/14/1989	Raleigh, NC	Child Support charge voluntarily dismissed (related to 12/15/1982 charges).	N/A	CJ Leads
1/20/1992	Raleigh, NC	Leach arrested for Failure to Appear. Mug shot taken at CCBI.	6'1", 155 lbs.	CCBI, p. 7-8 and 38
7/7/1992	Raleigh, NC	RPD Reports: Burglary. Doris Leach reported a burglary at her home. She told law enforcement she believed Leach, her brother, may have had something to do with it. Doris reported that Leach "hangs out in Walnut Terrace and smokes crack and has no steady job." Doris Leach later reported to RPD that her VCR was missing and another brother told her Leach had been trying to sell it. Case is "exceptionally cleared."	6'1", 155 lbs., thin/light mustache, dark complexion, medium build.	RPD, p. 34-46
3/22/1987	Raleigh	RPD Report: AWDW. Leach is named as a Victim in an Assault With Deadly Weapon case. He reported that he had been drinking and two black males jumped out and hit him with a baseball bat. He was not robbed. Unable to provide a description of the suspects.	N/A	RPD, p. 47-50
5/19/1993	Raleigh, NC	Arrested for felony AWDW on Officer. Dismissed Without Leave by DA on unknown date.	N/A	DCIN
8/21/1993	Raleigh, NC	Leach arrested for Disorderly Conduct. Mug shot taken by CCBI.	6'1", 150 lbs.	CCBI, p. 9-10 and 38

Date	Location	Notes	Physical Description	File Location
6/23/1994	Raleigh, NC	Charged with Shoplifting/Concealment of Goods.	N/A	CJ Leads
11/1/1994	Raleigh, NC	Shoplifting/Concealment of Goods charge dismissed with leave (related to 6/23/1994 charges).	N/A	CJ Leads
12/3/1994	Raleigh, NC	Leach arrested for 2nd degree trespassing. Mug shot taken by CCBI.	6'1", 155 lbs.	CCBI, p. 11-12 and 38.
5/31/1995	Raleigh, NC	2nd Degree Trespassing Charge dismissed with leave (related to 12/3/1994 charges).	N/A	CJ Leads
8/4/1995	Raleigh, NC	RPD Report: Breaking and Entering. Leach arrested for Breaking and Entering. A maintenance man found Leach in an apartment he had been evicted from a few days prior. Leach admitted to coming in through the bedroom window, but stated he was unaware that he had been evicted despite the posted signs. Mug shot taken at CCBI.	6'1", 155 lbs.	RPD, p. 51-58. CCBI, p. 13-14 and 39.
9/18/1995	Raleigh, NC	Convicted of Breaking and Entering charge (related to 8/4/1995 charges).	N/A	CJ Leads
9/30/1995	Raleigh, NC	RPD Report: Assault Quentin Singletary, the victim, reported that he was not assaulted and did not want to press any charges. An anonymous witness provided Leach's name as a suspect.	6'1", 150 lbs.	RPD, p. 59-62.
10/30/1995	Raleigh, NC	Breaking and Entering Charges remanded to district court (related to 8/4/1995 charges).	N/A	CJ Leads

Date	Location	Notes	Physical Description	File Location
2/29/1996	Raleigh, NC	RPD Report: Damage to Personal Property. Leach arrested for Damage to Personal Property. Jerry Bridges reported that Leach, his friend, was drunk and would not leave. When law enforcement arrived, Leach was banging on the door, causing damage. Mug shot taken at CCBI.	RPD: 6'1", 150 lbs., short afro, mustache, medium complexion, "dirty/ragged" appearance, medium build, right handed. CCBI: 6'1", 150 lbs.	RPD, p. 63-69. CCBI, p. 15-16 and 39.
4/18/1996	Raleigh, NC	RPD Report: Assault. Beverly Quiller reported that Leach, her boyfriend, had hit her in the head with a beer bottle during an argument. Quiller later reported that both she and Leach had been intoxicated and she hit him with the bottle first. Both declined to press charges on the other.	6', 160 lbs. 6', 165 lbs., dark complexion, thin body type, bushy mustache, round facial shape, afro.	RPD, p. 70-76
7/12/1996	Raleigh, NC	Found guilty of Injury to Personal Property (related to 2/29/1996 charges).	N/A	CJ Leads
8/27/1996	Raleigh, NC	RPD Report: Assault on Female and Second Degree Trespassing. Leach arrested for Assault on Female and Second Degree Trespassing. Cynthia Peebles reported that Leach, her boyfriend,	RPD: 6'1", 155 lbs., medium afro, bushy mustache, dark	RPD, p. 77-86. CCBI, p. 17-18 and 39

Date	Location	Notes	Physical Description	File Location
		struck her with an open hand during an argument and pushed her in the chest. Mug shot taken at CCBI.	complexion, "dirty/ragged" appearance, light build/thin. CCBI: 6'1", 155 lbs.	
9/3/1996	Raleigh, NC	Leach arrested and booked into Wake County Detention Center for Second Degree Trespassing. Mug shot taken by CCBI.	6'1", 155 lbs.	WCSO files, p. 21; CCBI, p. 19-20 and 40.
10/16/1996	Raleigh, NC	RPD Report: Simple Assault. Deborah Ruffin reported that Leach, her boyfriend, had hit her with his hands. "…the suspect was previously charged for simple assault." Ruffin reported that Leach "gets to drinking that wine, and gets crazy. He just started hitting me." Ruffin was interviewed two days later and indicated she had already signed warrants against Leach. A trespassing warrant was also issued due to Leach being in Walnut Terrace.	5'10", 140 lbs., medium afro, mustache, medium complexion, light build.	RPD, p. 87-92
10/18/1996	Raleigh, NC	Charged with 2nd Degree Trespass.	N/A	CJ Leads
11/1/1996	Raleigh, NC	Convicted of Assault on a Female and 2nd Degree Trespassing (related to 8/27/1996 charges).	N/A	CJ Leads
12/4/1996	Raleigh, NC	Leach arrested for Failure to Appear. Mug shot taken at CCBI.	6'1", 155 lbs.	CCBI, p. 21-22 and 40

Date	Location	Notes	Physical Description	File Location
12/6/1996	Raleigh, NC	Released from Wake County Detention Center	N/A	WCSO files, p. 21
Undated	Raleigh, NC	CCBI mug shot for Leach. No arrest date given.	6'1", 155 lbs.	WCSO files, p. 23-24
3/10/1997	Raleigh, NC	Found guilty of Assault on Female charge (related to 10/20/1996 charges). Probation begins.	N/A	CJ Leads
4/9/1997	Raleigh, NC	Booked into and released from Wake County Detention Center.	N/A	WCSO files, p. 21
5/9/1997	Raleigh, NC	Found guilty of Second Degree Trespassing (related to 10/20/1996 charges).	N/A	CJ Leads
1/12/1998	Raleigh, NC	Charged with Probation Violation.	N/A	CJ Leads
1/19/1998	Raleigh, NC	RPD Report: Assault On A Female. Leach arrested for Assault on Female. Deborah Ruffin reported that Leach, her boyfriend, that she got into an argument with Leach and "started tussling around" Leach hit her in the face with a Sprite bottle. Leach was located at a nearby store. He had scratch marks on his face and Ruffin had a deep cut on her face. Leach declined to press charges on anyone for his injuries. Booked into and released from Wake County Detention Center	6'1", 160 lbs., short hair, mustache, dark complexion, light build.	RPD, p. 93-103. WCSO, p. 21. CCBI, p. 40
2/23/1998	Raleigh, NC	RPD Report: Broken Window. Leach calls RPD to report that someone broke the window to his living room.	N/A	RPD, p. 104-107

Date	Location	Notes	Physical Description	File Location
2/23/1998	Raleigh, NC	Leach arrested and booked into Wake County Detention Center for Probation Violation. Mug shot taken by CCBI.	6'1", 155 lbs.	WCSO files, p. 21; CCBI, p. 25-26 and 60.
3/5/1998	Raleigh, NC	Leach arrested Failure to Appear. Mug shot taken by CCBI.	6'1", 155 lbs.	CCBI, p. 27-28 and 60
4/2/1998	Raleigh, NC	Probation Revoked.	N/A	CJ Leads
4/30/1998	Raleigh, NC	Convicted of Assault On a Female Charges from 1/19/1998.	N/A	CJ Leads
7/3/1998	Raleigh, NC	Does not return from work release.	N/A	WCSO files, p. 68
7/5/1998	Raleigh, NC	Arrested for not returning from work release on 7/3/1998. Booked into Wake County Detention Center. Mug shot taken by CCBI.	6'1", 150 lbs.	WCSO files, p. 9 and 21; CCBI, p. 29-30.
8/17/1998	Raleigh, NC	Found guilty of Escape from Detention Facility.	N/A	CJ Leads
8/28/1998	Raleigh, NC	Released from Wake County Detention Center	N/A	WCSO files, p. 21
4/27/1999	Raleigh, NC	RPD Report: Possession of Cocaine. Leach arrested for Possession of Cocaine. Leach was observed making a drug transaction by officers conducting surveillance. Mug shot taken by CCBI.	RPD: 6'1", 155 lbs., short afro, mustache, medium complexion, "mod./unusual" appearance, light build.	RPD, p. 108-115 CCBI, p. 31-32 and 60.

Date	Location	Notes	Physical Description	File Location
			CCBI: 6'1", 155 lbs.	
4/28/1999	Raleigh, NC	Fingerprints for Leach collected by CCBI related to Possession Sch. II (Cocaine) charge.	6'1", 155 lbs.	CCBI, p. 3
6/25/1999	Raleigh, NC	Convicted of misdemeanor Possession of Drug Paraphernalia. Probation begins.	N/A	DCIN
3/15/2002	Raleigh, NC	Leach arrested for Probation Violation. Mug shot taken by CCBI.	6'1", 155 lbs.	CCBI, p. 33-34 and 59
5/7/2002	Raleigh, NC	Probation Violation.	N/A	CJ Leads
5/7/2002	Raleigh, NC	Booked into Wake County Detention Center.	N/A	WCSO files, p. 21
9/3/2002	Raleigh, NC	Released from Wake County Detention Center	N/A	WCSO files, p. 21
5/31/2003	Raleigh, NC	Date of Offense listed for AWDWISIWTK.	N/A	DCIN; CJ Leads
6/3/2003	Raleigh, NC	Leach arrested related to AWDWISIWTK. Fingerprints and mug shot collected by CCBI	6'1, 155 lbs.	CCBI, p. 2 and 35-36; RPD p. 179
6/25/2003	Raleigh, NC	AWDWISIWTK charge dismissed for no probable cause (related to 6/3/2003 charges).	N/A	DCIN; CJ Leads
5/28/2005	Raleigh, NC	RPD Report: Leach is a witness to a man throwing hot coffee in his landlord's face.	5'9", 150	RPD, p. 116-118

Date	Location	Notes	Physical Description	File Location
7/2/2005	Raleigh, NC	RPD: Deceased Person Call. Leach is interviewed by RPD in relation to a deceased person call for an acquaintance of his.	6'4", 180 lbs.	RPD, p. 127-132.
1/5/2006	Raleigh, NC	RPD Report: Breaking and Entering. Leach and Ralph Chambers are arrested for Breaking and Entering for breaking into Chambers' niece's old apartment and taking her washing machine.	5'9", 160 lbs.	RPD, 133-142
4/4/2006	Raleigh, NC	Breaking and Entering charge is voluntarily dismissed.	N/A	CJ Leads
4/30/2006	Raleigh, NC	RPD Report: Shooting. Leach is a witness in a shooting case. Provides information on what he saw.	6'2, 150lbs.	RPD, p. 143-155
3/31/2007	Raleigh, NC	RPD Report: Fire. Fire reported at the home where Leach lived with his family. Minor damage and no injuries. Leach did not see anything. No arrests. The reports indicate that house is a "problem location" known for drug activity.	5'10", 195.	RPD, p. 119-126; 156-165
6/14/2007	Raleigh, NC	Date of offense listed for Second Degree Trespassing charge.	N/A	CJ Leads
10/10/2007	Raleigh, NC	Found guilty of Second Degree Trespassing (related to 6/14/2007 charges).	N/A	CJ Leads
11/28/2007	Raleigh, NC	RPD Report: Shooting.	5'10", 160 lbs.	RPD, p. 166-178

Date	Location	Notes	Physical Description	File Location
		Shots fired into the home Leach shared with his family. Leach is named as a victim. Police reports indicate the house and Leach's nephew have been tied to gang activity. No arrests made.		
10/11/2008	Raleigh, NC	Leach dies. Immediate cause of death listed as dilated cardiomyopathy. Additional causes listed as end stage liver disease and renal failure.	N/A	Death Certificate
3/22/13	Raleigh, NC	Dismissal of 2nd Degree Trespass Charge from 10/18/1996	N/A	CJ Leads

Handout 13

JAMES LEACH FAMILY AND FRIENDS – PHYSICAL APPEARANCE, VIOLENCE, KNIFE, AND DASHIKI

Name	Relationship to Leach	Physical Appearance in 1979	Violence	Knife	Dashiki
Ralph Chambers	Friend Close friends with Leach; went to jail and prison together	Hair: one inch afro Facial Hair: did not grow hair on his face; always had a mustache (had on in 1979) Height: Around 6'0 tall, possible a little less Weight: 165-175 pounds	Leach hit a guy in the head Leach assaulted women Leach was violent with Judy Bolton Never heard of Leach using a weapon	Initially told Commission that Leach might have had a knife, but not gun At his deposition Chambers testified that Leach didn't have a knife and that he had never seen Leach with a knife	Not really, but wouldn't say he couldn't have worn one At his deposition, Chambers said he did not recognize the dashiki and never saw Leach wear anything like it
Janice Bass	Former Girlfriend Dated Leach from 1975-1977 Knew Leach in 1979 Leach lived in Raleigh in 1979 Later got back together with Leach after his marriage to Cynthia	Hair: short haircut – either short afro or close cut Facial Hair: mustache and a little facial hair on chin	Leach was violent with her They fought all of the time She recalled him kicking in the door once They were dating when he got married and she left him when she found out; he broke her jaw He never used a weapon on her They were in a violent relationship for 5-6 years	Carried a long knife all of the time It had a brown handle and a silver blade The blade was about 4 inches It folded down	No. It wasn't his style.
Judy Bolton	Former Girlfriend	Not asked	Leach was violent	Did not carry a knife or other weapon	Never wore anything like a dashiki Wore Jeans and T-shirt

Name	Relationship to Leach	Physical Appearance in 1979	Violence	Knife	Dashiki
Cynthia Leach	Former Wife Married Leach in Darlington, SC on December 15, 1978 Leach left SC a day or two after marriage and went back to Raleigh. She stayed in SC Was with Leach on and off Divorced in 1998	Hair: one inch long Facial Hair: no facial hair; thinks he had a mustache Height: 6'0 or something Complexion: dark Build: Skinny	She was scared of Leach because he was violent Leach never used a weapon against her Leach was violent with all the women he dealt with	Carried a knife She never saw it, but Leach would say he would use the knife People said Leach would fight with a knife Threatened her with a knife once, but she did not see it	Dressed like a painter, but saw him in a dashiki a couple of times
Doris Leach Jackson	Sibling	Not asked	Not asked	Not asked	Never wore anything like a dashiki Wore Jeans and T-shirt
John Leach	Sibling Not close to Leach	Does not know	Leach was violent to anyone – men and women Heard of Leach fighting in clubs Saw Leach fight Judy Bolton (Hedgepeth) at a party in 1977 or 1978	Carried knife all of this life Brown folding knife with long blade Six inches long Barlow knife	Never saw Leach in a dashiki

Name	Relationship to Leach	Physical Appearance in 1979	Violence	Knife	Dashiki
Lisa Leach	Half Sibling	Not asked	Not asked	Not asked	He might have worn dashikis, but can't say if she saw him in one
Karen Leach	Half Sibling Leach lived in Raleigh in 1979	Hair: short afro Facial Hair: maybe sideburns, but no beard; does not recall mustache	Leach was mean and fought a lot Witnessed his fights Leach beat up a guy badly Remembered Leach being violent with women and recalled she saw Leach beat Judy Bolton (Hedgepeth) "like you beating another man" Leach threatened her for trying to help Judy	Can't say for sure he ever carried a knife	No
Calvin Leach	Half Sibling No more than just a half brother Would see Leach once a month or once a year Never knew him to live anywhere other than NC	Hair: thick, not afro but short; not close cut Facial Hair: maybe a little; thinks he had a beard; not sure about a mustache Complexion: Dark Build: slender	No	Did not know Leach to carry a knife, but said that every man carried one	No. Never.

Name	Relationship to Leach	Physical Appearance in 1979	Violence	Knife	Dashiki
Barbara Owens Sanders	Former Girlfriend	Unknown. Last contact with Leach in 1974 and did not see again until her 40s.	No	No	No

Handout 14

1 **Q.** James Leach's fingerprint was found on the
2 bathroom stall where Helena Payton was stabbed in Latham
3 Hall at Saint Augustine's University in 1979.
4 Can you think of any reason why James Leach was in
5 that bathroom?
6 **A. Only way I can think is if it were -- in '79?**
7 **Q.** Uh-huh.
8 **A. Okay. Only way, if he -- if he was, he was over**
9 **there doing some roofing work for this company he was**
10 **working with. But I don't know.**
11 **Then, if a fingerprint were found, why didn't --**
12 **the people didn't arrest him for it, you know, and question**
13 **him about it?**
14 **Q.** Can you think of anything else?
15 **A. Nothing that -- you know, I don't know. That's**
16 **hard to believe, you know.**
17 **Q.** Other than potential roofing, can you think of any
18 other reason why he might have been in that bathroom?
19 **A. No.**
20
21
22
23
24
25

Handout 15

RALPH CHAMBERS

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DRUG VIOLATION	WAKE	UNKNOWN	03/14/1979
POSSESS HEROIN	WAKE	UNKNOWN	10/10/1977
BURGL – B&E WITC LARCENY	WAKE	UNKNOWN	01/08/1968

Handout 16

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF WAKE	83 CRS 84695
STATE OF NORTH CAROLINA)	
v.)	**AFFIDAVIT**
JAMES A. BLACKMON)	

The undersigned, having first been duly sworn, deposes and says the following:

1. My name is Chanda DOUGLAS-WARD. I am over the age of eighteen and I am of sound mind. I make this affidavit based on my personal knowledge.

2. I am employed with the St. Augustine's College/University in Raleigh, NC (hereafter "St. Augustine's") as Director of Human Resources. As part of my job, I have access to the property and records of said institution. I have been employed with St. Augustine's since 2018.

3. In the course of my employment with St. Augustine's, I was recently contacted by the North Carolina Innocence Inquiry Commission (NCIIC) regarding an investigation into the death of Helena Payton while she was a student residing in Latham Hall at St. Augustine's in 1979.

4. NCIIC requested that St. Augustine's search for any employment records for James Blackmon/Blackman and/or James/Jimmy Leach from 1978-1983. St. Augustine's conducted an exhaustive search for said records, but no responsive records were located. St. Augustine's has no record of James Blackmon/Blackman and/or James Leach ever being employed by St. Augustine's. Employment records from 1980 to the present are located in my office at St. Augustine's. All employment records from before 1980, including all employment records from the 1970's, are located in the basement at St. Augustine's. I searched both locations, and there are no records of employment for James Blackmon/Blackman or James/Jimmy Leach.

5. NCIIC also requested that St. Augustine's search for any civil lawsuits, specifically including but not limited to any settlement agreements, related to the death of Helena Payton to which St. Augustine's may have been a party. NCIIC notified St. Augustine's that, per the Wake County Clerk of Superior Court, there were two civil lawsuits filed in this matter: Daisy Payton, Administratrix of the Estate of Helena L. Payton v. St. Augustine's College, 80-CVS-2472 (filed 4/25/80) and 84-CVS-815 (filed 2/7/84). St. Augustine's conducted an exhaustive search for any records related to these lawsuits, but no responsive records were located. St. Augustine's has no records of any civil lawsuits and/or settlements related to the death of Helena Payton.

This the 5th day of November, 2018.

Shanda Douglas Ward, Human Resources Director

(NAME, TITLE)

Sworn to and subscribed before me this 5th day of November, 2018

Margaret B. Boddie

Notary Public

[Seal]

MARGARET B. BODDIE
NOTARY PUBLIC
WAKE COUNTY, N.C.

My Commission Expires: 4-26-2021

Handout 17

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF WAKE	83 CRS 84695
STATE OF NORTH CAROLINA)	
v.)	**AFFIDAVIT**
JAMES A. BLACKMON)	

The undersigned, having first been duly sworn, deposes and says the following:

1. My name is SHARON CHAVIS. I am over the age of eighteen and I am of sound mind. I make this affidavit based on my personal knowledge.

2. I am employed with St. Augustine's College/University in Raleigh, NC (hereafter "St. Augustine's") as Vice President of Administration. As part of my job, I have access to the property and records of said institution. I have been employed with St. Augustine's since 2016.

3. In the course of my employment with St. Augustine's, I was recently contacted by the North Carolina Innocence Inquiry Commission (NCIIC) regarding an investigation in the death of Helena Payton while she was a student residing in Latham Hall at St. Augustine's in 1979.

4. NCIIC requested that St. Augustine's search for any employment records for James Blackmon/Blackman and/or James/Jimmy Leach from 1978-1983. St. Augustine's conducted an exhaustive search for said records, but no responsive records were located. St. Augustine's has no record of James Blackmon/Blackman and/or James/Jimmy Leach ever being employed by St. Augustine's.

5. NCIIC also requested that St. Augustine's search for any civil lawsuits, specifically including but not limited to any settlement agreements, related to the death of Helena Payton to which St. Augustine's may have been a party. NCIIC notified St. Augustine's that per the Wake County Clerk of Superior Court, there were two civil lawsuits filed in this matter: Daisy Payton, Administratrix of the Estate of Helena L. Payton v. St. Augustine's College, 80-CVS-2472 (filed 4/25/80) and 84-CVS-815 (filed 2/7/84). St. Augustine's conducted an exhaustive search for any records related to these lawsuits, but no responsive records were located. St. Augustine's has no records of any civil lawsuits and/or settlements related to the death of Helena Payton.

This the 5th day of November, 2018.

Sharon Chavis, Chief of Staff, VP for Administration

(NAME, TITLE)

Sworn to and subscribed before me this 5th day of November, 2018

Margaret B. Boddie

Notary Public

[Seal]

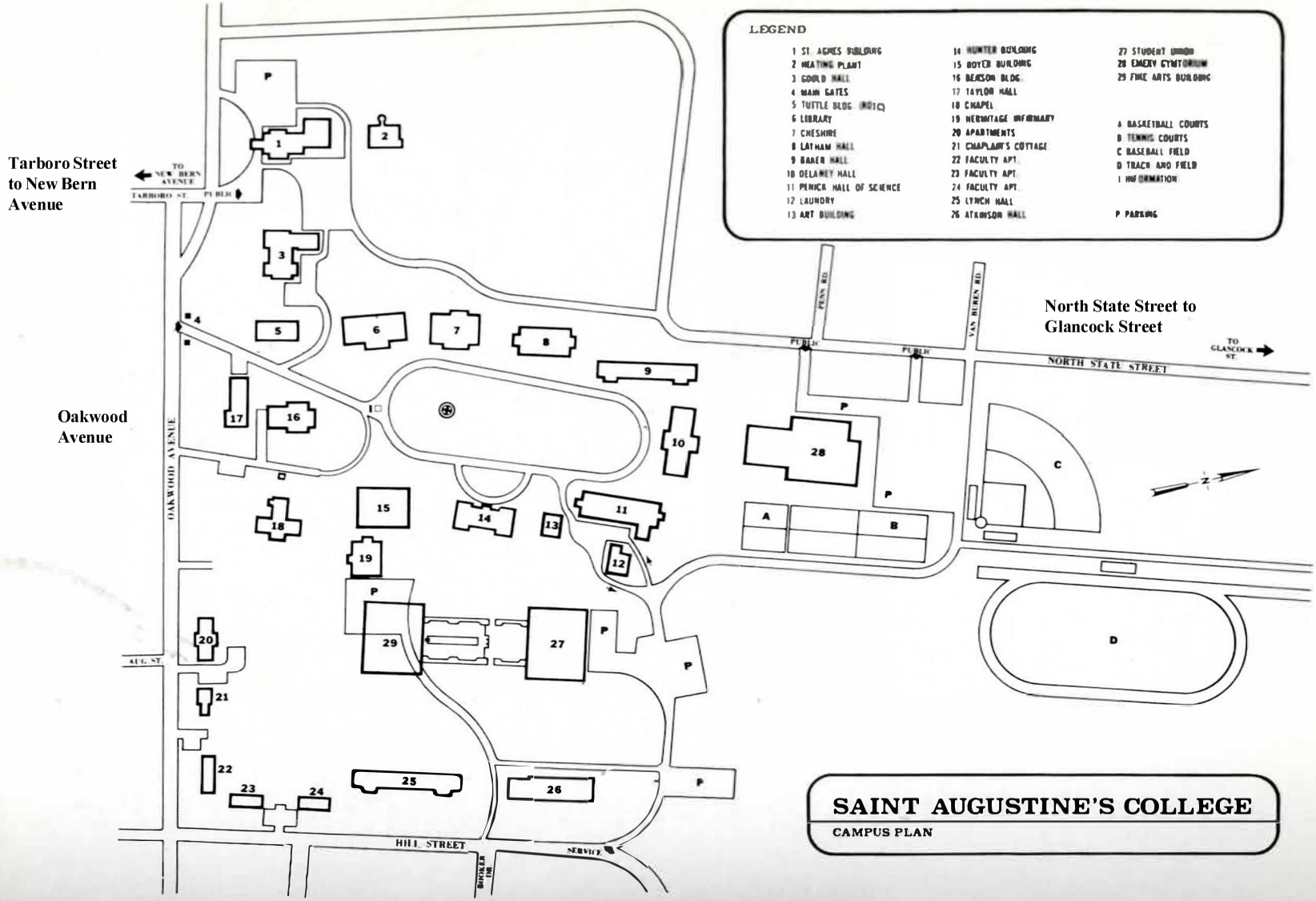
My Commission Expires: 4-26-2021

MARGARET B. BODDIE
NOTARY PUBLIC
WAKE COUNTY, N.C.

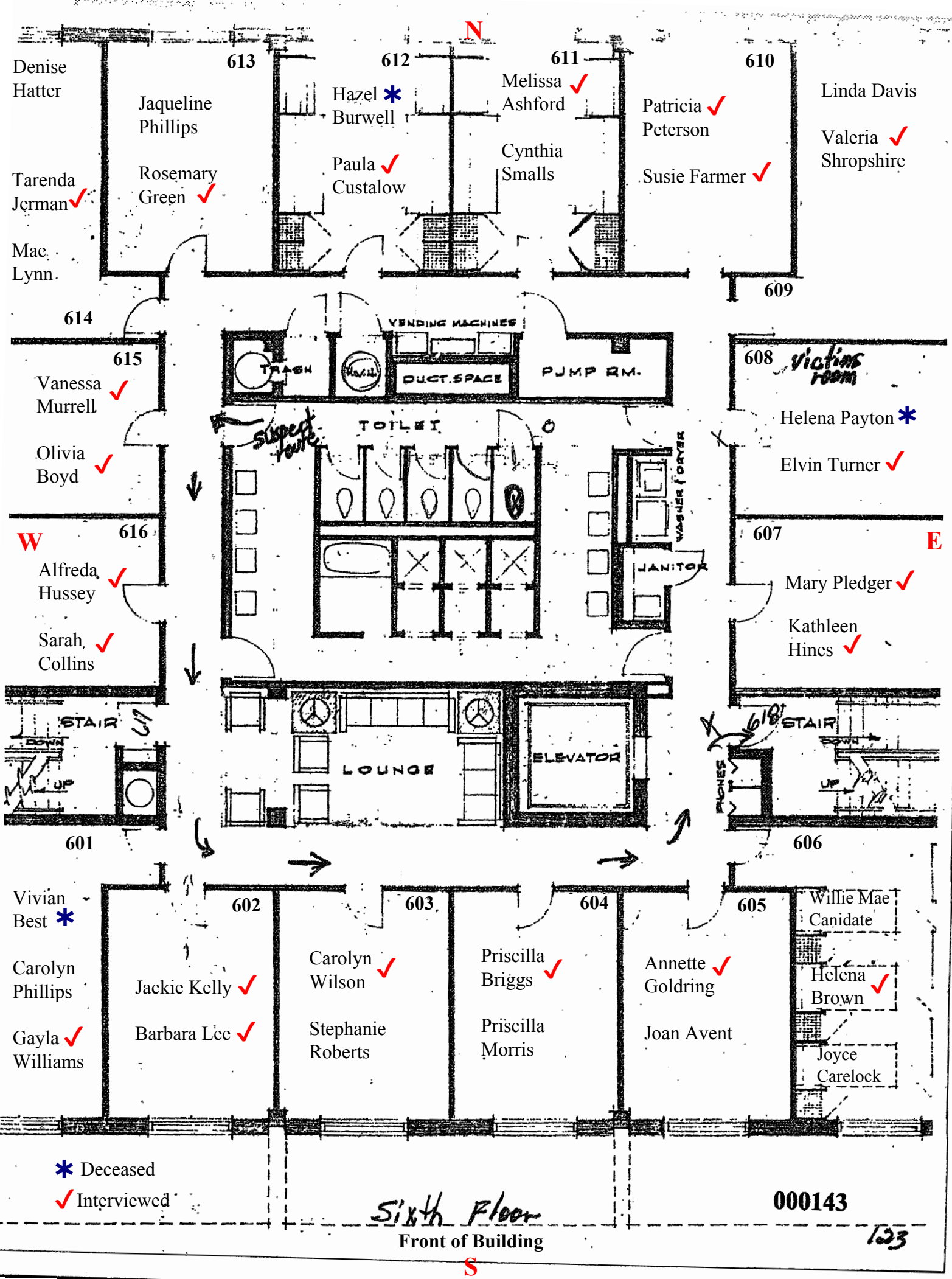
Handout 18

LEGEND FOR ST. AUGUSTINE'S COLLEGE MAP

1. St. Agnes Building	14. Hunter Building	27. Student Union
2. Heating Plant	15. Boyer Building	28. Emery Gymnasium
3. Goold Hall	16. Benson Bldg.	29. Fine Arts Building
4. Main Gates	17. Taylor Hall	
5. Tuttle Bldg (ROTC)	18. Chapel	
6. Library	19. Hermitage Infirmary	
7. Cheshire	20. Apartments	A. Basketball Courts
8. Latham Hall	21. Chaplain's Cottage	B. Tennis Courts
9. Baker Hall	22. Faculty Apt.	C. Baseball Field
10. Delaney Hall	23. Faculty Apt.	D. Track and Field
11. Penick Hall of Science	24. Faculty Apt.	I. Information
12. Laundry	25. Lynch Hall	
13. Art Building	26. Atkinson Hall	P. Parking


Tarboro Street to New Bern Avenue
Oakwood Avenue
North State Street to Glancock Street
LEGEND
1 ST. AGNES BUILDING
2 HEATING PLANT
3 GOULD HALL
4 MAIN GATES
5 TUTTLE BLDG. (ROTC)
6 LIBRARY
7 CHESHIRE
8 LATHAM HALL
9 BAKER HALL
10 DELANEY HALL
11 PENICK HALL OF SCIENCE
12 LAUNDRY
13 ART BUILDING
14 HUNTER BUILDING
15 BOYER BUILDING
16 BERSON BLDG.
17 TAYLOR HALL
18 CHAPEL
19 HERMITAGE INFIRMARY
20 APARTMENTS
21 CHAPLAIN'S COTTAGE
22 FACULTY APT.
23 FACULTY APT.
24 FACULTY APT.
25 LYNCH HALL
26 ATKINSON HALL
27 STUDENT UNION
28 EMERY GYMTORIUM
29 FINE ARTS BUILDING
A BASKETBALL COURTS
B TENNIS COURTS
C BASEBALL FIELD
D TRACK AND FIELD
I INFORMATION
P PARKING
TO NEW BERN AVENUE
TARBORO ST.
PUBLIC
OAKWOOD AVENUE
AUG. ST.
HILL STREET
BUFFALOE RD.
SERVICE
PENN RD.
VAN BUREN RD.
NORTH STATE STREET
TO GLANCOCK ST.
SAINT AUGUSTINE'S COLLEGE
CAMPUS PLAN

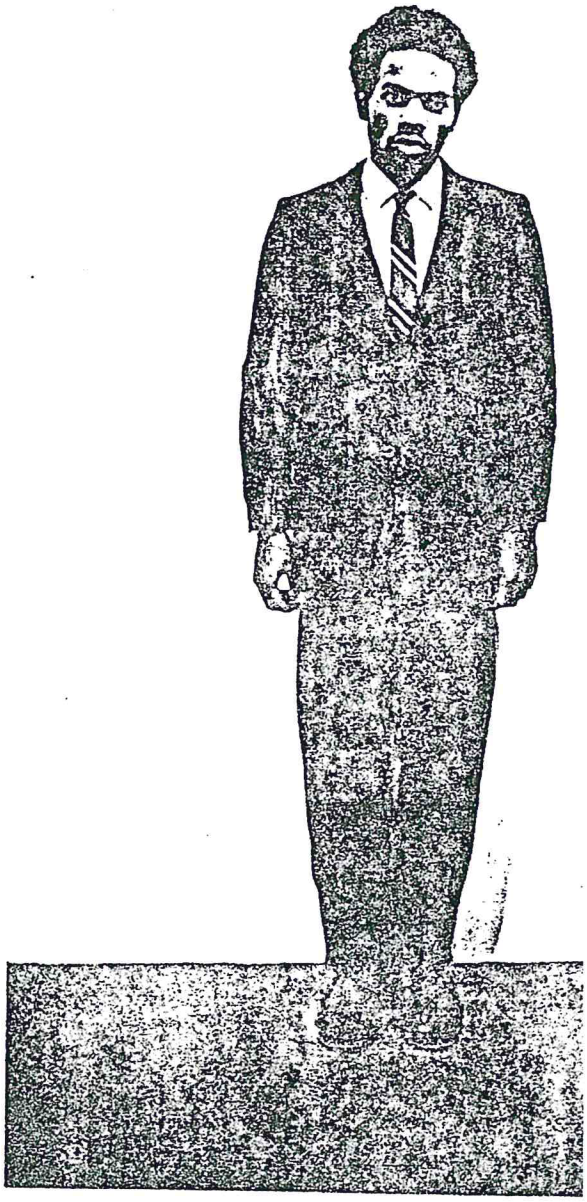
Handout 19


N
613
612
611
610
Denise Hatter
Jaqueline Phillips
Hazel Burwell *
Melissa Ashford ✓
Patricia Peterson ✓
Linda Davis
Valeria Shropshire ✓
Tarenda Jerman ✓
Rosemary Green ✓
Paula Custalow ✓
Cynthia Smalls
Susie Farmer ✓
Mae Lynn
609
614
VENDING MACHINES
TRASH
DUCT SPACE
PUMP RM.
608
victims room
615
Vanessa Murrell ✓
Helena Payton *
suspect route
TOILET
Olivia Boyd ✓
Elvin Turner ✓
WASHER / DRYER
616
607
W
E
JANITOR
Alfreda Hussey ✓
Mary Pledger ✓
Sarah Collins ✓
Kathleen Hines ✓
STAIR
DOWN
UP
LOUNGE
ELEVATOR
618
PHONES
601
606
Vivian Best *
602
603
604
605
Willie Mae Canidate
Carolyn Phillips
Jackie Kelly ✓
Carolyn Wilson ✓
Priscilla Briggs ✓
Annette Goldring ✓
Helena Brown ✓
Gayla Williams ✓
Barbara Lee ✓
Stephanie Roberts
Priscilla Morris
Joan Avent
Joyce Carelock
* Deceased
✓ Interviewed
Sixth Floor
000143
Front of Building
123
S

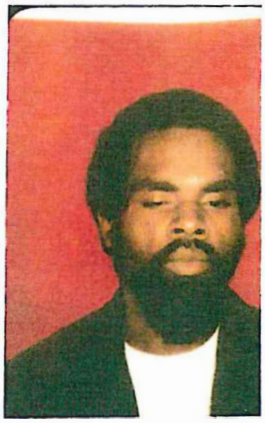
Handout 20

BBST

Handout 21



Handout 22



Handout 23

JACKIE KELLY DATE OF CONTACT WITH RPD

DATE	ACTION	SOURCE
9/28/1979	States she saw black male subject calmly walk down stairwell	RPD – PLS, Bk. 1, p. 1
9/28/1979	-States she was in bed; heard scream; opened door and stepped into hallway; looked down hall and saw black male come out of bathroom (furthest door); suspect walked directly toward her and passed within a few feet; suspect never said anything; suspect turned left at elevator and went out of sight; suspect described as the following--6'3'' or taller, maroon dashiki with gold design, dark colored trousers, sneakers, medium to short Afro, fairly clean face, if he had beard or mustache it was very, very light -Went down the hall and saw the Victim bleeding -Felt she would definitely know him if she saw him again	RPD – PLS, Bk. 1, p. 6-7
9/28/1979	Went with Elvin Turner to CCBI to look through mug books and make composite picture of suspect	RPD – PLS, Bk. 1, p. 9
10/4/1979	-Shown a preliminary picture lineup (Polaroids) with Viola Underdue and Barbara Lee -Picked out photo of Derry Washington as a possible	RPD – PLS, Bk. 1, p. 24-25
10/7/1979	-Viewed Tommy Garrett in live lineup; no other witness was present -Said that his complexion was similar to the actual suspect, but no one in the lineup was the person she saw	RPD – PLS, Bk. 1, p. 31-32
10/9/1979	-Shown picture lineup; other witnesses who also saw lineup were Vivian Best and Carolyn Wilson; they were all shown the lineup at different times -No one saw suspect in the lineup	RPD – PLS, Bk. 1, p. 60
10/12/1979	-Went by herself to the Rainbow Cab Stand to have a "personal view" of Marcellous Leon McCloud; said McCloud was not the subject that stabbed student at St. Augustine's College -Also viewed lineup of pictures -NOTE: It is not clear what date this occurred	RPD – PLS, Bk. 1, p. 58-59
10/12/1979	-Timothy Paul Shields, Derry Washington, and Tommy Allen Garrett were seen in person by Kelly and Carolyn Wilson; these individuals were "positively eliminated" -NOTE: It is not clear what date this occurred	RPD – PLS, Bk. 1, p. 62
10/12/1979	-Went to RPD to view photographic lineup of inmates released from DOC since 9/1/1979; went through 25 photos and said suspect was not in there -Reported that she saw Blair Alexander on 10/11/1979 and he resembled suspect -Listened to recorded call of caller who said Harold Moore was responsible for this crime; said voice of caller sounded familiar and like a college student voice	RPD – PLS, Bk. 1, p. 63
10/30/1979	-Viewed 11 photographs alone; one of the photos was of William Poole	RPD – PLS, Bk. 1, p. 82-83

DATE	ACTION	SOURCE
	-Elvin Turner, Carolyn Wilson, Barbara Lee, and Viola Underdue also viewed these photographs at St. Augustine's College -Kelly did not pick out William Poole; however, Turner, Wilson, Lee, and Underdue picked out Poole's photo as looking the most like the suspect, but said they would have to see a more recent photo of him to eliminate him	
10/31/1979	-Viewed William Edward Poole alone at RPD through two-way mirror; said his facial features resembled the suspect but he was not large enough in body and was several inches too short -Other witnesses who viewed Poole in person were Barbara Lee and Viola Underdue; both said the same thing as Kelly about his appearance	RPD – PLS, Bk. 1, p. 86
11/19/1979	Viewed photos in lobby at St. Augustine's College with Barbara Lee; neither was able to pick anyone out	RPD – PLS, Bk. 1, p. 96
2/20/1980	Viewed group of photos with Detective Brinson; said she was fairly sure none of the pictures viewed was of the suspect	RPD – PLS, Bk. 1, p. 199
5/9/1980	Viewed group of photos with Elvin Turner; said suspect was not among pictures viewed	RPD – PLS, Bk. 1, p. 102
4/24/1981	-Viewed physical lineup at Wake County Jail with Elvin Turner -Both stated suspect was not in the lineup	RPD – PLS, Bk. 1, p. 110
9/26/1983	Interviewed by Detective Munday and Holder at Fort Benning, Georgia	PLS RPD 207-236, Book 2
9/26/1983	Took psychological voice stress analysis	PLS RPD 191-192, Book 2

Handout 24

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION FILE
NUMBER 83 CRS 84695

_____

STATE OF NORTH CAROLINA,

Petitioner,

vs.

JAMES ANDREW BLACKMON,

Defendant.

_____

TRANSCRIPT

Telephone Interview

This is the transcript of the recorded telephone interview taken of Jackie Kelly which was conducted by Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The telephone interview took place on December 16, 2014.

APPEARANCES:

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

Jackie Kelly - (via telephone)

Transcribed by Donna Rowe - ddrsteno@gmail.com

1 P R O C E E D I N G S
2 MS. MATOIAN: Hello, Ms. Kelly?
3 JACKIE KELLY: Hi. How you doing?
4 MS. MATOIAN: Good. How are you?
5 JACKIE KELLY: Good.
6 MS. MATOIAN: Thank you so much for responding to
7 my letter. I appreciate it.
8 JACKIE KELLY: Uh-huh.
9 MS. MATOIAN: I'm calling from -- or I wrote to
10 you from the North Carolina Innocence Inquiry Commission.
11 And as I explained in the letter, it's a state agency that
12 investigates claims of innocence by people who have been
13 convicted of crimes in North Carolina.
14 So the man who was eventually convicted of Ms.
15 Payton's murder has applied to the Commission. Now, we
16 don't represent him and we don't represent the State. We're
17 a neutral State fact-finding agency. So I know you were a
18 witness back at the time of the original investigation and I
19 just wanted to be able to ask you a few questions.
20 JACKIE KELLY: Okay.
21 MS. MATOIAN: And if you feel more comfortable
22 doing this in person, I'm in North Carolina, but I can come
23 to Florida if you would prefer that.
24 JACKIE KELLY: However you want to handle it.
25 MS. MATOIAN: Okay. Well, we can talk a little

1 bit here and then if I -- we'll see -- maybe we can
2 reevaluate at the end.
3 JACKIE KELLY: Okay.
4 MS. MATOIAN: What -- do you remember what
5 happened that morning?
6 JACKIE KELLY: Yes, ma'am.
7 MS. MATOIAN: Can you tell me what you remember?
8 JACKIE KELLY: I remember hearing a screaming
9 outside the door. And I was young, in college, and probably
10 sleeping late. I sleep late in college. I still sleep late
11 today.
12 MS. MATOIAN: Me, too.
13 JACKIE KELLY: But -- but certain girls in our
14 dormitory on campus got up bright and early and went to
15 breakfast. And you had to get out of your bed in order to
16 get breakfast. So I was one of the ones that did not go.
17 And so when I heard the screaming, my response was
18 I wish these girls would learn some respect, you know, the
19 "B" word and -- because I'm trying to sleep. And so the
20 next thing I know the screaming started again. And so I got
21 up and went to my door and opened it. And when I opened up
22 the door, there was a guy walking down the hall. And I
23 thought to myself, um, he's kind of cute. But we don't
24 supposed to have men on the -- in the dormitory, so it's
25 none of my business why he's there. But he had on a Dashiki

1 and he was tall, dark and slender. And I thought, like I
2 said, was kind of nice looking. And when he passed me, the
3 girl started screaming again. And so by that time, a lot of
4 girls was up trying to figure out why the screaming was
5 taking place.
6 And so my roommate came to the door about the time
7 the guy was passing, but she was in her underclothes and she
8 went back in. And like I said, the screaming started again.
9 So everybody went towards the bathroom and there we seen
10 Ms. Payton laying on the floor bleeding from -- you know, I
11 don't even know what she was bleeding from, but she was
12 bleeding. And we was on the top floor. And I just knew
13 that the dorm matron needed to be notified what was going
14 on.
15 And I thought, you know, I would go down there
16 while the other girls was putting pressure on her -- on her
17 wound to let the dorm matrons know that something had
18 happened on the fifth floor. I think it was the fifth --
19 fifth floor.
20 MS. MATOIAN: Okay.
21 JACKIE KELLY: And I was getting ready to go on
22 the elevator and then I thought, I'm not going on the
23 elevator because he could be on the elevator.
24 MS. MATOIAN: Yeah.
25 JACKIE KELLY: And then -- no. And no, we got on

1 the elevator and then I think me and a group of girls got on
2 the elevator and then I said, you know, he might be still in
3 the building, so we need something to protect ourself in
4 case he's still in the building. And so we stopped on the
5 next floor and I got some like some spiked shoes with some
6 like five-inch heels. And I said we'll beat him to death
7 with the shoes.
8 And -- but the elevator went back upstairs. And I
9 said to myself, now, he could be still in the -- the
10 staircase. And so, you know, I did my little pray, I hope
11 he's not in the staircase, and ran down and told the dorm
12 matron that he -- what had happened.
13 MS. MATOIAN: Uh-huh.
14 JACKIE KELLY: And by then, the police and the
15 ambulance, they came out to the school.
16 MS. MATOIAN: When you saw the man in the hallway,
17 as far as his hair and his facial hair, did he seem to be
18 kind of clean cut or did he have -- was he a little bit
19 scruffier?
20 JACKIE KELLY: Well, I can't remember exactly the
21 facial. I just -- like I said, I thought he looked nice.
22 MS. MATOIAN: Yeah.
23 JACKIE KELLY: They was trying to give me -- put
24 me under hypnosis so I could recall the facial. Because I
25 remember everything else but the exact facial.

1 MS. MATOIAN: Yeah.
2 JACKIE KELLY: But he was not like, I guess -- if
3 it was hair, it was clean. Everything -- nothing really
4 stood out. Only thing I can remember, he did have on a
5 Dashiki and he was tall and slender.
6 And they did bring me for a lineup. And when I
7 told them about what I seen and the guy that they had that
8 said that he did it, he didn't look nothing like the guy I
9 described.
10 MS. MATOIAN: Okay.
11 JACKIE KELLY: And they said, well, he said he did
12 it. I said, but he might be crazy. He'll say anything if
13 he's crazy.
14 MS. MATOIAN: Uh-huh.
15 JACKIE KELLY: And that's how it was left.
16 MS. MATOIAN: Now, did they tell you he was crazy
17 or did you just say that?
18 JACKIE KELLY: I just said that.
19 MS. MATOIAN: Okay. Do you -- did he look at you,
20 say anything to you, say anything to anyone else that you
21 saw?
22 JACKIE KELLY: I don't understand your question.
23 MS. MATOIAN: I'm sorry. The -- the man with the
24 Dashiki on, when he walked past you in the hall and you saw
25 him, did he say anything to you --

1 JACKIE KELLY: No.
2 MS. MATOIAN: -- or to anyone else?
3 JACKIE KELLY: No. He just walked right by me.
4 He was in a slow pace. He walked right by me in a slow
5 pace, normal. That's why I didn't connect between him and
6 the girl screaming because he didn't -- he wasn't in a
7 hurry. He wasn't, you know, anxious looking. He was just
8 normally walking right by like he was trying to get out of
9 everybody way --
10 MS. MATOIAN: Okay.
11 JACKIE KELLY: -- without people seeing him.
12 MS. MATOIAN: Okay. And the lineup where they
13 told you the man had admitted to doing it --
14 JACKIE KELLY: Yes.
15 MS. MATOIAN: -- was that the only lineup you
16 remember going to?
17 JACKIE KELLY: That's the only one I can remember
18 at this point.
19 MS. MATOIAN: Okay. Do you remember giving an
20 interview for the news?
21 JACKIE KELLY: To the news people?
22 MS. MATOIAN: Yes.
23 JACKIE KELLY: Well, I may have. I might have
24 said something to the news because they was trying to -- you
25 know, anytime an incident happened, the news come out. But

1 I remember moving off campus because I didn't feel secure
2 anymore.
3 MS. MATOIAN: Yeah.
4 JACKIE KELLY: And -- and, you know, I don't
5 recall. I might have said something, but it was not like a
6 long, sit down interview if I did one.
7 MS. MATOIAN: Okay. I have a police report that
8 you had given an interview to the news, and then later that
9 night apparently someone had called the dorm and threatened
10 you for giving the interview. Do you remember that
11 happening?
12 JACKIE KELLY: No. I just know -- it might have
13 happened, but I knew I moved off campus because I was not --
14 I didn't feel secure. It might have been the reason why I
15 moved off campus.
16 MS. MATOIAN: Yeah. That's understandable.
17 Okay. Do you remember anything about the other
18 girls in the dorm and some conflicts you may have had after
19 this happened such as with Alfreda Hussey and Elvin Turner?
20 JACKIE KELLY: Well, I just know that she hung
21 around like two or three of the girls and they -- somebody
22 had said it was her birthday, the morning of the incident
23 was her birthday. And so, you know, I just thought, you
24 know, he might have knew her or -- I don't know. You know,
25 she --

1 MS. MATOIAN: Yeah.
2 JACKIE KELLY: -- was quiet. She was very quiet.
3 So when it comes down to quiet people, they're not like, you
4 know, put their business in the street.
5 MS. MATOIAN: Yeah. Yeah. But you don't remember
6 getting into a fight with her friends?
7 JACKIE KELLY: About what?
8 MS. MATOIAN: Well, some of the police reports
9 that I was reading, before the man who has applied to the
10 Commission was arrested, there were rumors going around
11 between all the girls in the dorm that some of the girls
12 were involved with drugs or other things and that the man
13 had been in the dorm to get to, you know, the other girls
14 and came upon Ms. Payton instead and she was kind of in the
15 wrong place at the wrong time. Do you remember any of that?
16 JACKIE KELLY: Well, personally, I don't recall
17 any of that, but it's not uncalled for back then. College
18 kids, girls, it could be possible that this might have been
19 what happened. But I don't know, I didn't hang around a lot
20 of people, so I don't know.
21 MS. MATOIAN: Okay. And you didn't -- you didn't
22 personally see any kind of drugs or prostitution or, you
23 know, kind of strange men coming through the dorms?
24 JACKIE KELLY: No. But like I said, this is a
25 college environment, so a lot of things happen in college.

1 MS. MATOIAN: Yeah.
2 JACKIE KELLY: And they still go on attend class
3 and do what they have to do in college.
4 MS. MATOIAN: Okay.
5 JACKIE KELLY: Like -- like it's no big deal.
6 MS. MATOIAN: Yeah. So what we have found through
7 our investigation, they had taken fingerprints from the
8 bathroom door.
9 JACKIE KELLY: Uh-huh. Right.
10 MS. MATOIAN: The stall.
11 JACKIE KELLY: Uh-huh.
12 MS. MATOIAN: And when we had those fingerprints
13 run through the system, they came back to a man named James
14 Leach or Jimmy Leach. And I'm -- you know, and that could
15 mean nothing. You know, he could have been someone's
16 boyfriend. So we're trying to find out if that name rings a
17 bell to anyone.
18 JACKIE KELLY: I wish I could tell you. I -- I
19 was (inaudible) a lot of people. If I met him, I met and
20 never really knew the name and hardly and will remember
21 their face.
22 MS. MATOIAN: Okay. All right. Does the name --
23 the name of the man who was eventually arrested and has
24 applied to the Commission. His name is James Blackmon or
25 Jimmy Blackmon. Does that ring a bell?

1 JACKIE KELLY: No. Because once I graduated from
2 college, I left North Carolina.
3 MS. MATOIAN: Okay.
4 JACKIE KELLY: (Inaudible.) And like I said, I
5 moved off campus my last year.
6 MS. MATOIAN: Okay. All right. Do you remember
7 -- do you remember there being kind of a lag in between when
8 the police spoke to you --
9 JACKIE KELLY: Yes.
10 MS. MATOIAN: -- that the crime happened and then
11 Mr. --
12 JACKIE KELLY: Yeah.
13 MS. MATOIAN: -- Blackmon was arrested a few years
14 later?
15 JACKIE KELLY: Yeah. Yeah.
16 MS. MATOIAN: And you were already out of North
17 Carolina at that time?
18 JACKIE KELLY: Yes. I was in the military at the
19 time.
20 MS. MATOIAN: Okay. All right. Just from reading
21 the police reports, like I said, the original theory was
22 that it had something to do with the girls in the dorm. And
23 there were some girls that were accusing you of being
24 involved in bad things, and you were also accusing some of
25 the other girls of being involved in bad things and I'm just

1 trying to --

2 JACKIE KELLY: No, no. No, not -- not me. Not

3 me. I had a girlfriend and it was just me and her most of

4 the time that hung around together.

5 MS. MATOIAN: Okay. And what was that --

6 JACKIE KELLY: And my boyfriend. My girlfriend

7 was Glenna Delaney.

8 MS. MATOIAN: Okay. And you said you had a

9 boyfriend?

10 JACKIE KELLY: I had several boy -- I had like a

11 boyfriend. I know I was going steady with one guy. I can't

12 remember his name, but I know I was going steady with this

13 one guy. And we didn't have transportation and my

14 girlfriend had got a car and (inaudible) to take me to see

15 him. And so (inaudible) with my boyfriend. But I think my

16 last year in college, I kind of got serious about going into

17 the military, so I kind of like spent a lot of time

18 preparing for the military, you know, getting in shape for

19 the military.

20 MS. MATOIAN: Yeah. Do you remember telling the

21 police that shortly before you had heard the screams that

22 you had woken up and walked out into the hallway and saw the

23 man that you later saw walking down the hall outside of

24 another girl's dorm room?

25 JACKIE KELLY: No, I don't recall that because --

1 no, I don't recall that. Because normal -- normally when
2 you're in the dorm, you are in behind your doors.
3 MS. MATOIAN: Uh-huh.
4 JACKIE KELLY: You kind of like, you know, if
5 you've got a roommate --
6 MS. MATOIAN: Leave your door shut.
7 JACKIE KELLY: -- or a -- yeah. Whatever you're
8 doing, you're doing it in your room.
9 MS. MATOIAN: Uh-huh. And you were sleeping, too?
10 JACKIE KELLY: Yeah. Because it was early in the
11 morning.
12 MS. MATOIAN: Okay.
13 JACKIE KELLY: And that's when I get my best
14 sleep.
15 MS. MATOIAN: Yeah. Me, too.
16 I must have had a question -- oh, so I know that
17 you said that boys were not supposed to be in the dorm
18 room --
19 JACKIE KELLY: Right.
20 MS. MATOIAN: -- but did girls sneak boys in from
21 time to time?
22 JACKIE KELLY: Yes.
23 MS. MATOIAN: Okay. And when they would come into
24 the dorm room, say a girl had her boyfriend over and he
25 needed to use the bathroom, would they just let them use the

1 bathroom on the floor?
2 JACKIE KELLY: I can -- I imagine so because if I
3 had one there, yes, I would take him to the bathroom, too,
4 but (inaudible) at night.
5 MS. MATOIAN: Yeah. Okay. All right. Well, what
6 I'm going to do, Ms. Kelly, is I'm going to send you a
7 picture of each of the men that I mentioned to you, James
8 Leach and James Blackmon. They're not great quality
9 pictures and they're not that close to the time that this
10 happened, so I mean I'm kind of -- it's an old case, so I'm
11 kind of limited in what I can do. But I'm just going to
12 send you copies of those pictures and if you could just --
13 if you recognize either one of them, if you could just
14 indicate on the picture for me or just indicate that you
15 don't recognize them, I'd really appreciate that.
16 JACKIE KELLY: Can you send them through email?
17 MS. MATOIAN: Email, yeah, sure. What's your
18 email address?
19 JACKIE KELLY: Jackelly@bellsouth.net.
20 MS. MATOIAN: Okay. Let me -- you're breaking up
21 a little bit, so I just want to make sure I spelled that
22 right. That's jackelly@bellsouth.net?
23 JACKIE KELLY: Yes, ma'am.
24 MS. MATOIAN: Okay. And just one more question.
25 Do you remember hearing any rumors around campus about who

1 may have done it?
2 JACKIE KELLY: I moved off campus.
3 MS. MATOIAN: Yeah. So after it was over, you
4 didn't -- there wasn't any kind of gossip going around that
5 so and so may have been involved?
6 JACKIE KELLY: You know, I think -- I think you
7 might be right about me moving off because (inaudible) some
8 people and the news media, but once I left campus, you know,
9 I just attended class.
10 MS. MATOIAN: Yeah. And stayed out of all that.
11 Okay. All right. Well, again, I really appreciate you
12 calling me back and I'll scan those pictures into the
13 computer and send you an email.
14 JACKIE KELLY: Okay. Thank you.
15 MS. MATOIAN: All right. Thank you so much,
16 Ms. Kelly.
17 JACKIE KELLY: Bye-bye.
18 (End of the recording.)
19
20
21
22
23
24
25

T R A N S C R I P T C E R T I F I C A T E

This is to certify that the foregoing 16 pages of this transcript of the recorded interview of Jackie Kelly that was taken on December 16, 2014, is a true and accurate transcript to the best of my ability due to the quality of the audio recording presented for transcription.

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

This the 6th day of September 2018.

_____

DONNA ROWE
1040 Lake Shore Drive
Wendell, NC 27591
919.649.1656
ddrsteno@gmail.com

Handout 25

Bridenstine, Julie E.

From: Matoian, Catherine L.
Sent: Monday, January 05, 2015 2:34 PM
To: 'jackelly@bellsouth.net'
Subject: RE: NC Innocence Inquiry Commission

Ms. Kelly,

I wanted to make sure this email reached you. If you have any issues opening the attachments. Please let me know.

Thank you,

Catherine Matoian

From: Matoian, Catherine L.
Sent: Wednesday, December 17, 2014 9:07 AM
To: 'jackelly@bellsouth.net'
Subject: NC Innocence Inquiry Commission

Ms. Kelly,

Thank you for speaking with me yesterday. As we discussed, I've attached two photographs to this email. I apologize for the quality. If either man looks familiar to you, please let me know and indicate where you remember them from. If you do not recognize either man, please let me know that as well.

I just wanted to follow up with you about one thing. You mentioned yesterday that the police pointed out the man they said confessed to the murder when they brought you in for a lineup. Can you describe that to me? Did they have you look at the men in person or did they have you look at photographs? Did they say that the man confessed before or after they asked you to identify anyone? Was this during the original investigation right after the crime or was it a few years later when you were in the Army?

Again, I appreciate you speaking with me about what must have been a difficult experience for you. Should you ever think of any additional information, please feel free to call, email, or write any time.

Thank you,

Catherine Matoian
Grant Staff Attorney
North Carolina Innocence Inquiry Commission
Post Office Box 2448
Raleigh, North Carolina 27602
Phone: (919) 890-1580
Fax: (919) 890-1937

www.InnocenceCommission-NC.gov

BB&T

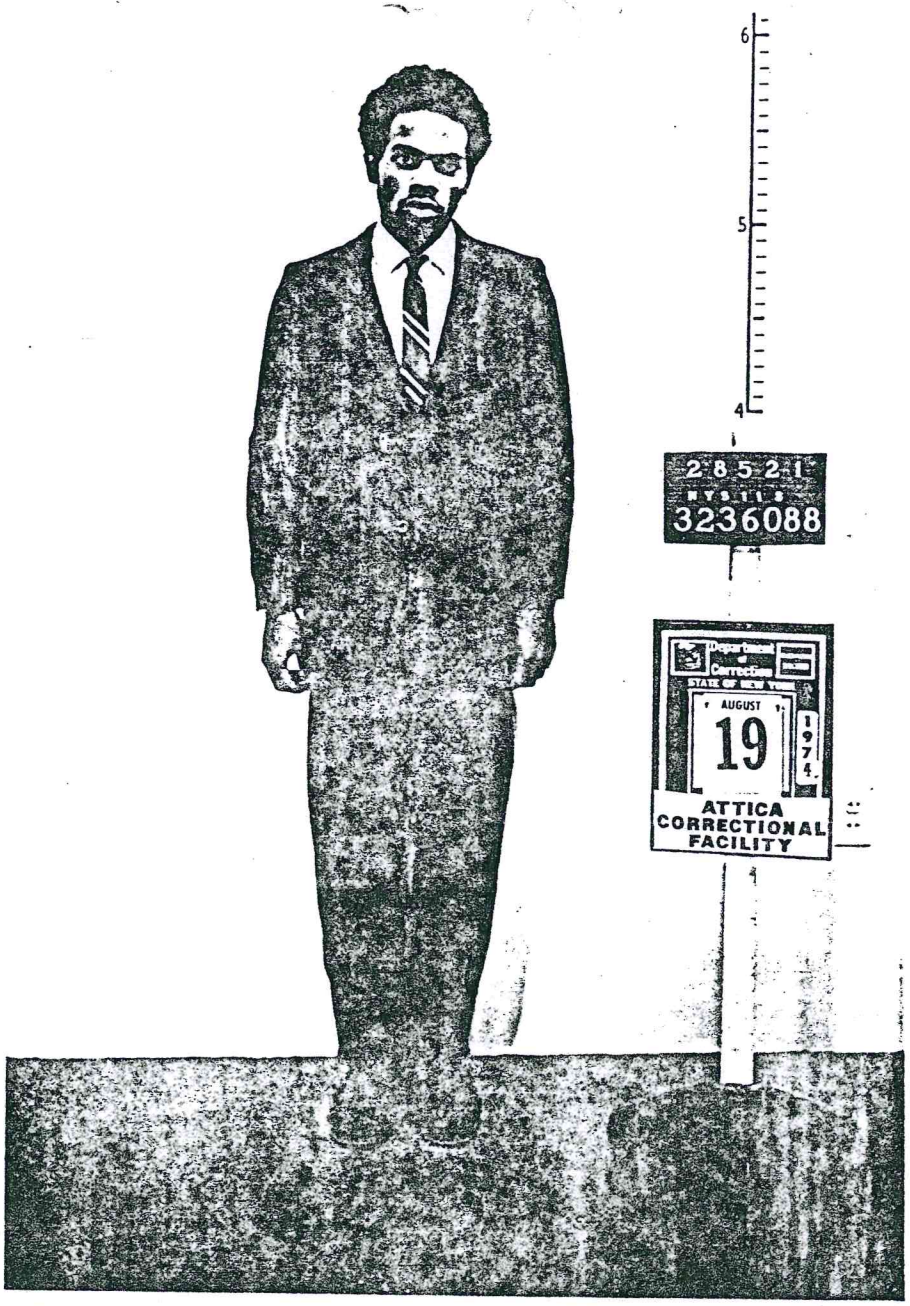
Printed: Thursday, January 16, 2014 12:

Scars/Marks/Tattoos:

Type	Location	Description

Charges:

Statute	Description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CORRECTIONAL
FACILITY

Handout 26

COPY

The North Carolina Innocence Inquiry Commission*

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Chairman

Aurelia Sands Belle
The Hon. Luther Johnson Britt, III
Michael A. Grace
Isaac Heard, Jr.
The Hon. Susan Johnson
The Hon. Barbara Pickens
T. Diane Surgeon

Administrative Office of the Courts
North Carolina Innocence Inquiry Commission
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www.innocencecommission-nc.gov

Staff

Kendra Montgomery-Blinn
Executive Director

Sharon Stellato
Lindsey Guice Smith
Aschante Pretty
Sarah Riney
Catherine Matoian
Ed Brooks
Jason Fitts

January 9, 2015

VIA FIRST CLASS MAIL

Ms. Jaqueline Kelly
240 NW 28th Ave
Fort Lauderdale, FL 33311

Dear Ms. Kelly:

Thank you for speaking with me last month. I want to reiterate that the North Carolina Innocence Inquiry Commission is a neutral state agency and that we do not represent the man who was convicted of Ms. Payton's murder. You had requested that I send an email with the pictures of the individuals I wanted you to look at and see if you recognize. I sent the email in December and another earlier this week. In case my emails are not getting through to you, I'm sending this letter.

I have enclosed the pictures of the two individuals. I apologize for the quality. If you recognize either of these men, please indicate on the picture with your initials and any other information you have about them and return the pictures in the enclosed self-addressed envelope.

I also wanted to follow up with you regarding something we spoke about on the phone. You mentioned that the police pointed out the man they said confessed to the murder when they brought you in for a lineup. Can you describe that lineup process to me? Did they have you look at the men in person or did they have you look at photographs? Did they say that the man confessed before or after they asked you to identify anyone? Was this during the original investigation right after the crime or was it a few years later when you were in the Army?

Again, I appreciate you speaking with me and I apologize for bringing up what must have been a very frightening experience. Please let me know if you have any additional questions.

Sincerely,

Catherine Matoian
Grant Staff Attorney

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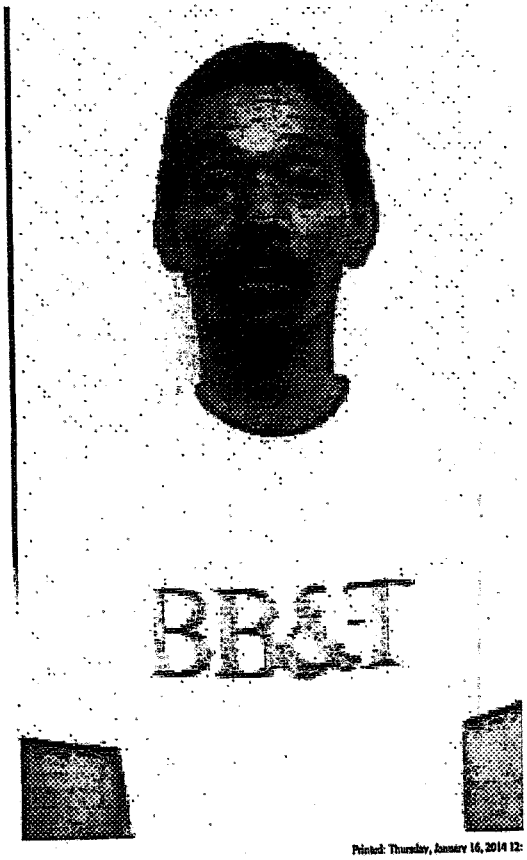
* A state agency created by the North Carolina General Assembly in 2006 pursuant to N.C.G.S. § 15A-1460-75.

Photograph #1



Printed: Thursday, January 16, 2014 12:

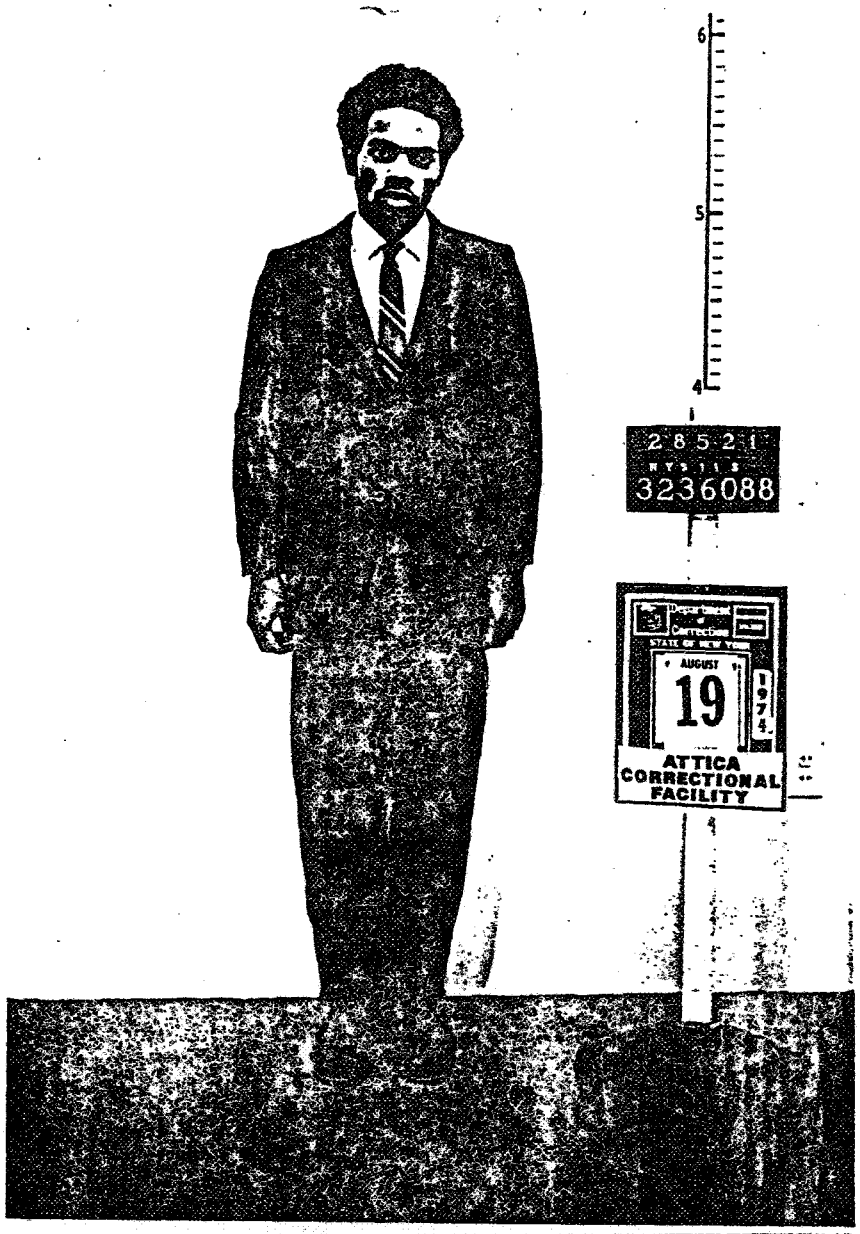
Scars/Marks/Tattoos:

Type	Location	Description

Charges:

Statute	Description

Photograph #2



Handout 27

February 17, 2015

Jacqueline C Kelly
240 NW 28th Ave
Fort Lauderdale, FL 33311

Dear Ms Matoian:

I am so very sorry for my delay in responding to your request but I stay busy and I am such a procrastinator. But, once I complete a task it makes me feel real good about myself. Sometimes we cannot rush faith because I had to pray and studied in my mind my response because it has been such a long time ago. I don't want to say the wrong thing to cause any further harm to an innocent person. Therefore, my response is as followings:

Photograph #1 looks like the man I seem walking casualty in the hallway. My choice is based on the memories of how I described the suspect back in 1979. The man I saw was tall, slimmer, dark complexion with possible facial hair and he wore an African top called dashiki.

While in the military I received a telephone call asking me to participate in a lineup in North Carolina. I think I was told over the telephone that the police had a suspect. I cannot recall exactly when I was told by the police that their suspect had confessed. My logic tells me that after the line-up when I told the police the man I saw was not in the lineup this is when I was told that their suspect had confessed. I recalled telling the police that their suspect could tell them anything, he could be mentally incompetent or maybe he just wanted to be arrested. The man I saw was not light skinned but, was tall and slimmer with a dark complexion.

The lineup consisted of about 5 men that I looked at through a glass window. It did not take me long to say that the man I saw was not in the lineup. I do recall looking through several photograph books of criminals but it was so many pictures it was like looking for a needle in a hay stack. I also recall the police tried to put me under hypnosis but, I was to up tight it did not work.

I do recall being involved in a protest on campus and giving an interview with the media. Several students wanted me to lead the protest but afterward hearing of or receiving a death threat I no longer wanted to get involved and I moved off campus because I did not feel safe anymore.

Sincerely,

Jacqueline C Kelly

Jacqueline C. Kelly

Handout 28

The North Carolina Innocence Inquiry Commission*

Judge Anna Mills Wagoner
Chair

Administrative Office of the Courts
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602
Phone: (919) 890-1580
Fax: (919) 890-1937
www.innocencecommission-nc.gov

Lindsey Guice Smith
Executive Director

May 15, 2018

VIA FIRST CLASS MAIL

Jacqueline Carol Kelly
240 NW 28th Avenue
Fort Lauderdale, FL 33311-8520

Dear Ms. Kelly:

You previously spoke with one of the staff attorneys, Catherine Matoian, at the North Carolina Innocence Inquiry Commission back in 2014 regarding a case we are currently investigating—a man named James Blackmon is claiming innocence for the murder of Helena Payton at St. Augustine's University in 1979. Ms. Matoian sent you two photos of two men to see if you recognized either man. We have located a better quality photo of one of the men you previously viewed in the photograph labeled Photo #2. We would like for you to look at this new photo labeled Photo #2(a). It is enclosed with this letter.

Please let me know if you recognize this man or not and give me a call once you have had a chance to view the photo. I would also like to talk to you about the Commission process and update you on the status of this case. I can be reached at (919) 890-1580.

Thank you so much for your assistance. We really appreciate it!

Best Regards,

Julie Bridenstine

Julie Bridenstine, J.D.
Legal Investigator

Enclosure

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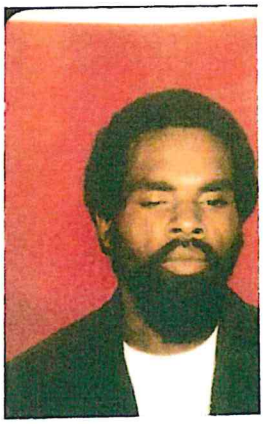
* A state agency created by the North Carolina General Assembly in 2006 pursuant to N.C.G.S. § 15A-1460-75.

Photo #2(a)



Handout 29

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 83 CRS 84695

_____

STATE OF NORTH CAROLINA,

Petitioner,

vs.

JAMES ANDREW BLACKMON,

Defendant.

_____

TRANSCRIPT

Telephone Interview

This is the transcript of the second recorded telephone interview taken of Jackie Kelly, which was conducted by Julie Bridenstine, Staff Attorney, from the North Carolina Innocence Inquiry Commission. The telephone interview took place on May 24, 2018.

APPEARANCES:

Julie Bridenstine, Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Jackie Kelly - (via telephone)

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

2 JACKIE KELLY: Hello. Can you hear me?

3 MS. BRIDENSTINE: I can hear you. Can you hear

4 me?

5 JACKIE KELLY: Yeah, I can hear you.

6 MS. BRIDENSTINE: Oh, okay. We must have had a

7 bad connection.

8 This is Julie Bridenstine. I'm returning your

9 call. I'm from the North Carolina --

10 JACKIE KELLY: Could you hold for a minute?

11 MS. BRIDENSTINE: I'm sorry?

12 JACKIE KELLY: Could you hold for one --

13 MS. BRIDENSTINE: Absolutely.

14 JACKIE KELLY: -- could you hold for one minute?

15 MS. BRIDENSTINE: Sure.

16 JACKIE KELLY: Okay. Thank you.

17 (Pause.)

18 JACKIE KELLY: Are you still there? Are you still

19 there?

20 MS. BRIDENSTINE: I am still here.

21 JACKIE KELLY: Okay. What happened was I was

22 (inaudible) --

23 MS. BRIDENSTINE: You were what?

24 JACKIE KELLY: -- and my phone on my iWatch rang.

25 So I went back to my desk to get my phone and to conclude

1 our conversation. And so now I'm available to talk.
2 MS. BRIDENSTINE: Oh, okay. Good. I can kind of
3 -- you're a little quiet, so -- but I can hear you.
4 JACKIE KELLY: (Inaudible) quiet.
5 MS. BRIDENSTINE: Okay. Now I can hear you a
6 little better. All right.
7 JACKIE KELLY: Okay.
8 MS. BRIDENSTINE: Okay. So as I said, I'm Julie
9 Bridenstine from the North Carolina Innocence Inquiry
10 Commission and I sent you a letter a couple of weeks ago.
11 So I just wanted to touch base with you about that.
12 Did you recognize the man in the photo that we
13 sent to you that was labeled Photo 2A?
14 JACKIE KELLY: I didn't understand, quite
15 understand where my position was regarding your
16 correspondence because I -- I -- I needed enough information
17 to find out what is the photograph representation of; if
18 this is the person that you say did it or the innocent guy?
19 MS. BRIDENSTINE: So I can't give you that
20 information. I just want to know if you recognize him for
21 any reason.
22 JACKIE KELLY: Did you -- why couldn't I -- can I
23 get the body structure of the guy on the photo whether or
24 not he's tall, short?
25 MS. BRIDENSTINE: I can't give you any -- any

1 information. I can let you know that you saw a previous
2 photo of him, but we found a -- you know, a better photo of
3 his face, so I wanted you to take a look at this photo
4 because we felt like it was a better photo in general.
5 JACKIE KELLY: But see, the issue with the photo,
6 the photograph is the fact that I can remember more detail
7 of the body structure than the facial features. So I don't
8 want to say or yay or nay unless I got more details to go
9 on. You are not providing me with enough details to make a
10 decision. You're just showing a half a face of a person
11 that could be one of a million peoples in the world. And
12 what -- and then this happened like close to 40 years ago.
13 And like I said, in my mind, the body structure stood out
14 more than the facial features.
15 MS. BRIDENSTINE: Okay. Okay.
16 JACKIE KELLY: Okay, what?
17 MS. BRIDENSTINE: Well, I mean I -- I can't give
18 you more information than I have, but I certainly can --
19 JACKIE KELLY: You probably got more -- you said
20 you wanted to discuss the case in the letter. You're not
21 discussing the case, you're just asking me a question.
22 MS. BRIDENSTINE: Well, our cases are -- what we
23 do and how we investigate is confidential. So there's
24 information I can't give to you. And there's a reason why I
25 can't give it to you. I certainly wouldn't want to

1 influence anything that you had to tell us. So based on
2 what you've told me, that you said you remembered more
3 details on the body structure than the facial structure, I
4 appreciate that you told me that, but I can't give you any
5 more details than what I've already provided to you.
6 JACKIE KELLY: So I -- you know, I don't know what
7 you expect for me to say, yeah, this guy look familiar, but
8 he could -- familiarity is different than -- than actually
9 suspect, wouldn't you think? The actual suspect is what
10 you're looking for, not whether or not if I have ever seen
11 this picture before. Because the person that walked down
12 the hall when I was in school was a person I have never -- I
13 didn't know.
14 MS. BRIDENSTINE: Okay.
15 JACKIE KELLY: So say like if it was a guy that
16 was familiar, I had seen him walking around the campus or in
17 the city, it would have been something different. But a
18 person that you've never seen before and you're asking me to
19 identify whether or not this person is familiar? I tell you
20 the truth, the bottom line is, yes, he do look familiar. He
21 kinda like fits the features of the person that I seen, but
22 that's the only thing I can say unless I had more
23 information.
24 MS. BRIDENSTINE: Okay. All right.
25 JACKIE KELLY: Because, you know, I -- you know, I

1 do want this to be over with, you know, after so many years.
2 And I know the family would like for it to be over with.
3 And I know the guy that supposed to be claiming innocence
4 would like for it to be over with. So, you know, I -- you
5 know, I just feel like me discussing this photo with you
6 doesn't give me a conclusion to an end result.
7 MS. BRIDENSTINE: All right. Well, I will let you
8 know that where we are in our process is that we anticipate
9 this case will be going to a hearing before our
10 commissioners probably sometime in November, maybe December
11 is where we think it's going to happen. And we would like
12 you to be there to testify. So our commissioners hold their
13 hearings in Raleigh and we would pay for travel and
14 accommodations and like per diem expenses. Would you be
15 willing to come up to Raleigh? It would probably be like
16 maybe the night before and a day.
17 JACKIE KELLY: Yes, I will be willing if it's
18 going to cause conclusion to this problem --
19 MS. BRIDENSTINE: Okay.
20 JACKIE KELLY: -- a decision.
21 MS. BRIDENSTINE: All right. Well, that's all I
22 wanted to tell you about regarding the case and give you an
23 update is that it is moving forward and we do anticipate it
24 going to a hearing before the end of this year.
25 JACKIE KELLY: Okay.

1 MS. BRIDENSTINE: So what I will do is -- this is
2 your phone number. I will get in touch with you as we get
3 closer and I can give more details about that --
4 JACKIE KELLY: Okay.
5 MS. BRIDENSTINE: -- and see if we can arrange it
6 with your schedule and everything.
7 JACKIE KELLY: Okay.
8 MS. BRIDENSTINE: So I appreciate your giving me a
9 call back and I will give you a call sometime soon.
10 JACKIE KELLY: Okay.
11 MS. BRIDENSTINE: All right. Thank you so much.
12 JACKIE KELLY: Thank you.
13 MS. BRIDENSTINE: Bye.
14 JACKIE KELLY: Bye-bye.
15 (End of recording.)
16
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T R A N S C R I P T C E R T I F I C A T E

This is to certify that the foregoing 8 pages of this transcript of the recorded interview of Jackie Kelly that was taken on May 24, 2018, is a true and accurate transcript to the best of my ability due to the quality of the audio recording presented for transcription.

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

This the 13th day of September 2018.

_____

DONNA ROWE
1040 Lake Shore Drive
Wendell, NC 27591
919.649.1656
ddrsteno@gmail.com

Handout 30

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
COUNTY OF WAKE 83 CRS 84695

State of North Carolina,)
v)
James Blackmon,)
Defendant.)

RECORDED INTERVIEW OF JACKIE KELLY

This is the transcript of the recorded interview taken of Jackie Kelly, which was conducted by Julie Bridenstine, Staff Attorney, from the North Carolina Innocence Inquiry Commission. The recorded interview took place on October 13, 2018.

APPEARANCES

Julie Bridenstine
NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
Post Office Box 2448
Raleigh, North Carolina 27602

Transcribed by: Victoria L. Pittman
AOC-Approved Transcriber
For Pittman Stenography
Post Office Box 47

1 (Phone call placed.)
2 MS. KELLY: Yes. Jackie speaking.
3 MS. BRIDENSTINE: Hi, Ms. Kelly. This is
4 Julie Bridenstine from the North Carolina Innocence Inquiry
5 Commission calling.
6 How are you doing?
7 MS. KELLY: I'm doing good. How about you?
8 MS. BRIDENSTINE: I'm doing well.
9 I'm just calling because we'd previously
10 talked about having some time to go over some questions now.
11 Is now a good time for you to talk?
12 MS. KELLY: Yes. Okay.
13 MS. BRIDENSTINE: Okay. I don't think it
14 will take too long, but I did have some follow-up questions.
15 I know you spoke to Catherine Matoian with our agency about
16 four years ago and you spoke to me a little bit back in May.
17 I just wanted to follow up on some of the
18 things that Ms. Matoian talked to you about and had some
19 questions, too, about what you remembered about your contact
20 with the Raleigh Police Department when they were
21 investigating the case.
22 MS. KELLY: Okay.
23 MS. BRIDENSTINE: So first, going back to
24 Latham Hall -- this happened on the sixth floor, which was
25 the top floor. I had a question about the stairs.

1 Now, I know that there were two staircases on
2 each side of the building that exited out to the ground
3 floor. You could go outside from those stairwells, and I've
4 been to them and I've seen that, but at the time, were you
5 able to get in the stairwells from the outside?
6 MS. KELLY: Yes.
7 MS. BRIDENSTINE: Okay. How did you get into
8 the stairs?
9 MS. KELLY: The thing is, once I realized
10 that we -- it's a contact, the one matron who was on the
11 first floor.
12 MS. BRIDENSTINE: Uh-huh.
13 MS. KELLY: We decided to -- since we didn't
14 have cells back then or no other way other than the
15 elevator, we got on the elevator. And when -- I say we was
16 like on one -- because when I realized -- because he went
17 down the stairway, out, I'm assuming. I got in the
18 elevator, and I said, "Suppose he's still in the building"
19 or stuff like that -- I said, "We need something to protect
20 ourselves if he's still in the building."
21 MS. BRIDENSTINE: Uh-huh.
22 MS. KELLY: So I stopped on the floor and got
23 a Stellano [sic: stiletto] shoe that I was going to beat him
24 half to death with. And because the elevator went -- closed
25 and went either up or down, I had no other choice but to get

1 to the first floor by taking this way.
2 MS. BRIDENSTINE: Okay. Okay.
3 Back when this happened, if you were outside
4 the dorm, how would you -- how were you able to get into the
5 dorm?
6 MS. KELLY: Most of the time, I guess it's
7 when -- you know how when people walk in the building --
8 MS. BRIDENSTINE: Uh-huh.
9 MS. KELLY: -- you know, you can walk in
10 behind them? You know, as a student there I didn't
11 (indiscernible) other ways to get in the building because I
12 was authorized to be in the building. So, you know, I was,
13 like, clueless of, you know, ways to get in other than the
14 front door because I was a student. And so somebody could
15 follow behind you into the building.
16 MS. BRIDENSTINE: Okay. As a student, you
17 had a key to the dorm; is that right?
18 MS. KELLY: I won't say we had a key to the
19 dorm. I think the dorm was open for a certain amount of
20 time, and locked -- because, you know, I guess, you know --
21 I guess -- you know, I didn't (indiscernible) out at night.
22 I didn't do a lot of partying at night. So I'm assuming if
23 I did go out to a party and stayed out late, the dorm door
24 was authorized to be opened by the dorm matron. I don't
25 recall access other than the dorm matron.

1 MS. BRIDENSTINE: Okay.
2 MS. KELLY: You know, somebody might've been
3 up 24 hours that could open up the door.
4 MS. BRIDENSTINE: Okay. So for you
5 personally, did you ever go into the dorm anywhere except
6 through the front door?
7 MS. KELLY: For me personally, only the front
8 door.
9 MS. BRIDENSTINE: Okay. And I guess what I'm
10 trying to get at is do you remember or recall if you could
11 get into the stairways from outside the dorm?
12 MS. KELLY: I don't know. I would -- I don't
13 know.
14 MS. BRIDENSTINE: Okay.
15 MS. KELLY: I cannot --
16 MS. BRIDENSTINE: All right. All right.
17 On your floor, do you remember where the
18 phones were located?
19 MS. KELLY: The phones -- I don't know. You
20 know, I -- I can tell you about me.
21 MS. BRIDENSTINE: Uh-huh.
22 MS. KELLY: Is that I was very independent.
23 I was an independent student. My mother was not financially
24 able to send me to school; so I was doing everything myself.
25 So therefore, I didn't call home that much

1 and I didn't call other people that much because I always
2 been an individual. So only person that I really spoke with
3 or hung with were one other student. Other than that, you
4 know, I don't remember how we communicated. But I can
5 imagine it was from a phone in the lobby.
6 MS. BRIDENSTINE: Okay. The lobby of your
7 floor or the lobby of the building?
8 MS. KELLY: The building.
9 MS. BRIDENSTINE: Okay. Do you remember any
10 floors -- or, sorry, excuse me -- any phones being on the
11 sixth floor?
12 MS. KELLY: No. No, I don't. Those things,
13 I don't recall.
14 MS. BRIDENSTINE: All right.
15 MS. KELLY: Because if it was one on the
16 sixth floor, I would've used it instead of taking the
17 elevator or the stairway.
18 MS. BRIDENSTINE: Did you ever see any men on
19 the sixth floor prior to Ms. Payton being attacked?
20 MS. KELLY: Well, you know, the reason why my
21 recognition of his face was not shock is because I felt like
22 it was not my business to know who was bringing other people
23 in the building in case I might want to bring somebody in
24 the building. I would say it's none of your business; stay
25 out of my business, I'll stay out of your business.

1 So yes, I think guys did come into the
2 building.
3 MS. BRIDENSTINE: Do you remember how
4 frequently that would happen?
5 MS. KELLY: No. Once you close your door,
6 you know, you've got this floor -- once you close your door,
7 you didn't know what was going on outside of the door.
8 MS. BRIDENSTINE: I guess what I'm trying to
9 get at -- was it a common occurrence? Did it happen
10 frequently?
11 MS. KELLY: Well, I don't know. Like I said,
12 I was not into people's business; so therefore, what they
13 did was their business and what I did was mine. So I think
14 it was -- somebody had told me that either I -- or it was a
15 prostitution ring going on in the dorm. I'm like, you know,
16 that was the first time I ever heard --
17 MS. BRIDENSTINE: Hello?
18 MS. KELLY: Hello?
19 Yeah. You didn't hear me?
20 MS. BRIDENSTINE: No. You cut out. I heard
21 something about the first time you had ever heard about a
22 prostitution ring.
23 MS. KELLY: Yeah. Somebody said I was in it
24 or it was in the building. And I'm like, that was the first
25 time I ever heard something like that.

1 MS. BRIDENSTINE: Now, did you --
2 MS. KELLY: I did not --
3 MS. BRIDENSTINE: Did you hear that after
4 Ms. Payton was stabbed or before?
5 MS. KELLY: What?
6 MS. BRIDENSTINE: About the prostitution
7 ring.
8 MS. KELLY: Somebody told me that within the
9 last couple years.
10 MS. BRIDENSTINE: Hello?
11 MS. KELLY: Somebody told me that within the
12 last couple years.
13 MS. BRIDENSTINE: Oh. Okay.
14 Did you ever hear anything about that back in
15 the --
16 MS. KELLY: No. Because like I said --
17 MS. BRIDENSTINE: -- late '70s, early
18 '80s?
19 MS. KELLY: No. Because I was not, you know,
20 socially active reference to what was going on.
21 MS. BRIDENSTINE: Okay. Now, I know you said
22 that you wouldn't have seen it because people would close
23 their doors.
24 MS. KELLY: (Indiscernible.)
25 MS. BRIDENSTINE: But did you ever personally

1 see men on the sixth floor before Ms. Payton was attacked?
2 MS. KELLY: I don't think so. I think I
3 might've seen somebody going in a room, you know, the back
4 part of their body. But, you know, face-to-face, I don't
5 recall being face-to-face people. I might have, you know,
6 heard it or seen the latter part of the body going in the
7 door, but no, not face-to-face.
8 MS. BRIDENSTINE: Do you remember or --
9 anyone on the floor dating anyone, like, a man in his
10 mid-to-late 20s?
11 MS. KELLY: Again, I was not that sociable.
12 I mind my business. And the room -- the hall was shaped
13 into, like, a U or a square.
14 MS. BRIDENSTINE: Uh-huh.
15 MS. KELLY: So you could only see down the
16 aisle -- the walkway of the hall that you was looking at.
17 You couldn't see what was around the corner.
18 MS. BRIDENSTINE: Okay. But you don't have
19 any specific memories of that? Or recall that?
20 MS. KELLY: It might've been people that went
21 to school there, but not me.
22 MS. BRIDENSTINE: Okay. Did you ever see or
23 know of any men doing any maintenance work or painting on
24 the sixth floor prior to Ms. Payton being attacked?
25 MS. KELLY: No. No.

1 MS. BRIDENSTINE: Did you know a Deborah
2 Taylor Moore? I believe she was on a different floor, but
3 she was in Latham Hall at that time. She was also a student
4 Saint Augustine's.
5 MS. KELLY: I don't know people names. I
6 only know by face. I don't get -- I meet people constantly.
7 The names -- I'm not good at names.
8 What's her name again?
9 MS. BRIDENSTINE: Deborah Taylor Moore.
10 MS. KELLY: Deborah Moore. The name seems to
11 be familiar, but I would have to put a face to it. See, I'm
12 not even on Facebook.
13 MS. BRIDENSTINE: All right. All right. I
14 want to go back and see what you remember about your
15 contacts with the Raleigh Police Department.
16 In looking through their file, it looks like
17 you would meet up with them and look at people's photos and
18 they would show you people's pictures to see if you
19 recognized them.
20 What do you remember about meeting with
21 investigators with Raleigh Police Department?
22 MS. KELLY: Exactly what you just said.
23 MS. BRIDENSTINE: Did you ever do, like, an
24 in-person lineup where you viewed men to see if you
25 recognized them, like, in person?

1 MS. KELLY: Yes.
2 MS. BRIDENSTINE: And how many times?
3 MS. KELLY: I can't remember. It couldn't
4 have been no more -- I think it was kind of like the first
5 and the second time I was involved with them.
6 MS. BRIDENSTINE: The first time -- do you
7 remember how long it was after Ms. Payton was stabbed that
8 you did that?
9 MS. KELLY: I think it was when I was in the
10 military -- had graduated and was in the military.
11 MS. BRIDENSTINE: And that's the first time?
12 MS. KELLY: I think so.
13 MS. BRIDENSTINE: All right. What year did
14 you graduate?
15 MS. KELLY: It might have been the second --
16 it might've been the last time. I can't remember doing a
17 lineup when I was in college.
18 MS. BRIDENSTINE: All right. When did you
19 graduate?
20 MS. KELLY: In 1981 from college.
21 MS. BRIDENSTINE: Okay. All right.
22 So you remember doing lineups after you
23 graduated in 1981? Sometime after that period?
24 MS. KELLY: Yes. Yes. I remember doing a
25 lineup after that -- after graduation.

1 MS. BRIDENSTINE: Now, how many lineups do
2 you remember?
3 MS. KELLY: I can remember one, two --
4 vaguely. One -- the last one.
5 MS. BRIDENSTINE: All right. And what do you
6 remember about -- you said the first one is vague?
7 MS. KELLY: Yes.
8 MS. BRIDENSTINE: Does that mean you remember
9 the second one better?
10 MS. KELLY: Yes.
11 MS. BRIDENSTINE: And what do you remember
12 about that second one?
13 MS. KELLY: That I told them it wasn't the
14 guy --
15 MS. BRIDENSTINE: You --
16 MS. KELLY: -- that they had -- I just
17 remember that I told them it wasn't the guy that they had --
18 that they say had did it.
19 MS. BRIDENSTINE: When did that second lineup
20 occur?
21 MS. KELLY: When I was in the military.
22 MS. BRIDENSTINE: So looking back at the
23 file, it looks like you told police that you were graduated
24 in June of 1981, that you were in Sanford for four to six
25 weeks, and that you went onto active duty in August of 1981.

1 MS. KELLY: Yes.
2 MS. BRIDENSTINE: Okay. So that sounds
3 accurate?
4 MS. KELLY: Yes.
5 MS. BRIDENSTINE: Now, in August of 1981,
6 where did you start off in the military?
7 MS. KELLY: Fort Lee, Virginia.
8 MS. BRIDENSTINE: And how long were you
9 stationed there?
10 MS. KELLY: I forgot. It was training.
11 MS. BRIDENSTINE: Training. Okay.
12 So your interview indicates you had 18 weeks.
13 Does that sound accurate?
14 MS. KELLY: I don't know. It was training
15 for Officer Candidate School.
16 MS. BRIDENSTINE: Officer Candidate School?
17 Okay.
18 MS. KELLY: Yeah.
19 MS. BRIDENSTINE: Were you in the Army?
20 MS. KELLY: Yes.
21 MS. BRIDENSTINE: Okay. All right.
22 Where did you go --
23 MS. KELLY: 18 weeks -- 18 weeks is how many
24 months? 3 to 4 months?
25 MS. BRIDENSTINE: Oh, gosh. Right around, I

1 guess, four? Maybe a little bit -- yeah. That sounds
2 right.
3 MS. KELLY: Yeah. That sounds like the time
4 frame.
5 MS. BRIDENSTINE: Okay.
6 MS. KELLY: Because, you know, we did a lot
7 during that time -- the training. And I had a apartment --
8 I had a apartment up there.
9 MS. BRIDENSTINE: Where did you go after Fort
10 Lee, Virginia?
11 MS. KELLY: Fort Benning, Georgia.
12 MS. BRIDENSTINE: When did you start at Fort
13 Benning, Georgia?
14 MS. KELLY: Right after the training.
15 MS. BRIDENSTINE: All right. So the
16 information that I have looks like maybe you started around
17 January 1982 at Fort Benning.
18 MS. KELLY: That sounds like -- yeah. That
19 sounds like four months in training, August -- August,
20 September, October, November, December. It sounds like they
21 gave us a break and then straight to Fort Benning.
22 MS. BRIDENSTINE: Now, going back to the
23 second lineup, where were you when the lineup occurred?
24 Where was the lineup held?
25 MS. KELLY: Raleigh.

1 MS. BRIDENSTINE: And where were you living
2 when the lineup -- when you went to that lineup?
3 MS. KELLY: Fort Benning, Georgia.
4 MS. BRIDENSTINE: Do you remember what month
5 or year that was?
6 MS. KELLY: Columbia, South Carolina --
7 Columbia, Georgia [sic]. That's the city or surroundings,
8 was Columbia, Georgia.
9 Do I remember the time frame that the -- the
10 interview happened? Not per se. I just remember, you know,
11 them offering to send me, fly me up there for the lineup.
12 And they wanted to do a hypnosis so I can kind of recall the
13 individual's face. And I told them I just -- I don't think
14 I would relax enough to go through hypnosis at that time.
15 MS. BRIDENSTINE: All right. How did the
16 police get in contact with you when you were living in
17 Georgia regarding the lineup?
18 MS. KELLY: I guess the same way you did, you
19 know.
20 MS. BRIDENSTINE: Do you remember anything
21 about that?
22 MS. KELLY: No.
23 MS. BRIDENSTINE: Okay.
24 MS. KELLY: Other than it kind of
25 surprised -- that they had called me after all those years

1 of the incident.
2 MS. BRIDENSTINE: How did you get from
3 Georgia to Raleigh to do the lineup?
4 MS. KELLY: I don't know if I drove home
5 because, you know, I could be with my family a little bit.
6 I might have drove. I think I might have drove.
7 MS. BRIDENSTINE: Did you go by yourself?
8 MS. KELLY: Yeah. I was -- like I said, I
9 was very independent.
10 MS. BRIDENSTINE: All right. Now, I
11 understand that some of the detectives from Raleigh came and
12 interviewed you in person at Fort Benning, Georgia, in 1983.
13 The date that they have is September 26, 1983.
14 MS. KELLY: That might be true. If they
15 document that to be true, it might be true.
16 MS. BRIDENSTINE: Do you remember that?
17 MS. KELLY: Maybe that was -- huh?
18 MS. BRIDENSTINE: Do you remember that?
19 MS. KELLY: I think I do. You know -- you
20 know, you're talking to somebody who is not a person of
21 detail. I'm not detail-oriented to keeping facts. Facts,
22 to me, is like water going through a river -- here today,
23 gone tomorrow.
24 MS. BRIDENSTINE: Uh-huh.
25 MS. KELLY: Reference to details, you know, I

1 just deal for tomorrow, not for yesterday. A lot of people
2 is good at remembering facts. I'm -- I applaud them for
3 being able to remember details. But to me, I just don't
4 worry about it.
5 MS. BRIDENSTINE: So do you remember that
6 interview occurring?
7 MS. KELLY: Like I said, one of them --
8 sometime -- somebody wanted to do -- I think the first --
9 when I was in the military, they were saying that, with the
10 C -- the criminal -- the military police wanted to see me,
11 and that kind of shook me to my core, wondering why the
12 military police wanted to see me.
13 MS. BRIDENSTINE: Uh-huh.
14 MS. KELLY: Because I was like, "What did I
15 do?" You know, I became an officer in the military, and I
16 couldn't figure out why the MPs wanted to see me.
17 So when I went to see the MPs, maybe the
18 people from Raleigh was there.
19 MS. BRIDENSTINE: Okay. Did that happen
20 before or after you went to a lineup in Raleigh?
21 MS. KELLY: That probably happened before.
22 MS. BRIDENSTINE: What makes you say that?
23 MS. KELLY: Because the last involvement I
24 had with the case was the last time, I say, before somebody
25 from y'all organization contact me was the last time that I

1 was involved with this case.
2 MS. BRIDENSTINE: Sorry. I didn't quite
3 catch that.
4 Could you say that again? The last
5 involvement -- what?
6 MS. KELLY: Was with the lineup in Raleigh,
7 was the last time before y'all contacted me.
8 MS. BRIDENSTINE: Okay. So did you do
9 hypnosis? Did you try?
10 MS. KELLY: No, I didn't try.
11 MS. BRIDENSTINE: Oh, okay.
12 So going back to when you said the military
13 police contacted you, do you know now if that had to do with
14 the Raleigh Police Department wanting to talk to you?
15 MS. KELLY: Yes.
16 MS. BRIDENSTINE: Okay. So you do remember
17 that now?
18 MS. KELLY: Yes.
19 MS. BRIDENSTINE: All right.
20 MS. KELLY: Yes. Because they -- they was
21 just like the in-between person. They knew I was in the
22 military. I guess they contacted the MPs and the MPs
23 contacted me. And like I said, I was shocked that the MPs
24 wanted to speak to me. I was like totally -- I guess that's
25 why I couldn't get hypnotized because it, like -- it shook

1 me to the core because, like I said, I had just got my
2 commission in the military, couldn't figure out why the MPs
3 wanted to talk to me. It made me so nervous.
4 MS. BRIDENSTINE: So when the MPs --
5 MS. KELLY: (Indiscernible).
6 MS. BRIDENSTINE: Correct me if I'm
7 understanding things wrong, but are you saying that, when
8 the military police contacted you, it turned out that
9 Raleigh -- people from Raleigh Police Department were there
10 in Georgia?
11 MS. KELLY: Well, I guess so. You said they
12 visited me.
13 MS. BRIDENSTINE: I'm just -- well, I --
14 that's what the reports indicate, but I want to make sure
15 that I understand what you remember.
16 MS. KELLY: I just remember that the MPs
17 contacted me, but the MPs was not the one that interviewed
18 me.
19 MS. BRIDENSTINE: And that happened before
20 you did that lineup in Raleigh?
21 MS. KELLY: The last one, yes.
22 MS. BRIDENSTINE: And --
23 MS. KELLY: So that might've been the --
24 yeah.
25 MS. BRIDENSTINE: Sorry. Go ahead. I didn't

1 mean to cut you off.
2 MS. KELLY: No. It's just -- you know, it's
3 like over the years ago, you know. When you give me
4 details, it kind of -- my brains march to the surface. Like
5 I said, I don't just carry things with me about what
6 happened 30 years ago.
7 MS. BRIDENSTINE: All right. So going back
8 to the lineup, just walk me through what you remember about
9 how that came about.
10 MS. KELLY: No more than what you told me.
11 The MPs, the Raleigh people (indiscernible) in Columbia,
12 South Carolina. They either wanted me to come back or --
13 come back to Raleigh -- or I know I did go to Raleigh. What
14 I did is go to Raleigh from Georgia at least one time.
15 MS. BRIDENSTINE: And what do you remember
16 about that lineup?
17 MS. KELLY: Only thing I can remember, it was
18 the end part, when I told them this was not the guy I
19 described.
20 MS. BRIDENSTINE: And what -- did they say
21 anything to you about anyone who was in the lineup?
22 MS. KELLY: No. Well, they say he
23 committed -- that he confessed.
24 MS. BRIDENSTINE: Do you remember when they
25 told you that?

1 MS. KELLY: When I was leaving the building.
2 MS. BRIDENSTINE: Okay. Was anyone else from
3 Saint Augustine's College there the lineup? Like, did you
4 see any of the other girls or witnesses?
5 MS. KELLY: No. No.
6 MS. BRIDENSTINE: And do you remember
7 anything else about that lineup?
8 MS. KELLY: No.
9 MS. BRIDENSTINE: Do you remember, like, what
10 time of year it was?
11 MS. KELLY: I'm trying to think, but -- it
12 might've been the fall, but I'm not sure.
13 MS. BRIDENSTINE: Okay. All right.
14 Oh, going back just to the incident itself,
15 do you remember Elvin Turner? She was Helena Payton's
16 roommate.
17 MS. KELLY: I just remember that, you know,
18 people hangs in cliques --
19 MS. BRIDENSTINE: Uh-huh.
20 MS. KELLY: -- and she had a clique. She had
21 a clique with her.
22 MS. BRIDENSTINE: Were you a friend of hers?
23 Were you guys friends?
24 MS. KELLY: No.
25 MS. BRIDENSTINE: Did you ever tell her that

1 you saw a man coming out of Sarah Collins' and Alfreda
2 Hussey's dorm room --
3 MS. KELLY: No.
4 MS. BRIDENSTINE: -- five minutes before
5 Ms. Payton was stabbed?
6 MS. KELLY: I don't think so because the only
7 time I remember seeing the guy was -- what was your question
8 again?
9 MS. BRIDENSTINE: Did you ever tell Elvin
10 Turner that you saw a man coming out of Sarah Collins' and
11 Alfreda Hussey's dorm room that morning five minutes before
12 Ms. Payton was stabbed?
13 MS. KELLY: No.
14 What I had said was I seen the guy walk down
15 the hall. And when he passed me, she -- what woke me up was
16 the scream. And when I went to the door and stood in the
17 doorway, he was walking down the hallway. And when he
18 passed me, she started screaming again.
19 MS. BRIDENSTINE: Uh-huh.
20 MS. KELLY: So he had left -- he had passed
21 me going out the building, and my thought when he passed me,
22 again, was it was none of my business where he came from
23 because I didn't want to know. I don't even know what room
24 she was in. I just knew she was at the end of the hall. I
25 was on the other side of the hall because she -- they found

her in the bathroom.

MS. BRIDENSTINE: Uh-huh.

MS. KELLY: I don't even know what room she was in.

MS. BRIDENSTINE: Okay. Okay.

MS. KELLY: What part of the building (indiscernible) was, what size the room, her -- what side of the building her room was, the left side or the right side. I just knew they found her in the bathroom. Because, like I say, she -- she was on my floor, but it was, like, how many other girls also was on my floor?

MS. BRIDENSTINE: Uh-huh. Uh-huh.

Okay. Had you been up that morning before you heard the screams?

MS. KELLY: No. I was sleeping good.

MS. BRIDENSTINE: Okay. Did anything unusual happen the night before?

MS. KELLY: I probably -- probably -- I remember being tired, trying to sleep late, because -- (indiscernible) did something because I was trying to sleep in because her people that she hung around with would go to breakfast.

MS. BRIDENSTINE: Would go to what?

MS. KELLY: And they had to go --

Eat breakfast.

1 And you had to go to the cafeteria to eat
2 breakfast.
3 MS. BRIDENSTINE: Uh-huh.
4 MS. KELLY: And that means you had to get out
5 of your bed early enough to get there in time, and that's
6 one thing I hardly ever did, get up and go eat breakfast.
7 MS. BRIDENSTINE: Okay. Did that change in
8 the military?
9 MS. KELLY: So on -- huh?
10 MS. BRIDENSTINE: Did that change in the
11 military?
12 MS. KELLY: No. No. No, it did not.
13 I was telling somebody recently that I was so
14 glad to be on my own time once I got out of the military, I
15 could sleep as late as I want.
16 MS. BRIDENSTINE: Yeah.
17 MS. KELLY: No, I'm not a morning person.
18 MS. BRIDENSTINE: Okay. Well, I think that's
19 everything that I have.
20 Is there anything else that you can think of
21 that's important that we haven't gone over yet?
22 MS. KELLY: It depends. See, I have no idea
23 your objectives. I have no idea what your objective is.
24 MS. BRIDENSTINE: Well, I just want to find
25 out the truth and find out what information you remember and

1 that you have.
2 So I can't think of anything else that I want
3 to cover with you, but if you think of something -- like if
4 something comes up and you remember something else, just let
5 me know.
6 MS. KELLY: Well, it should be in the
7 records; right? Everything should be in the records?
8 MS. BRIDENSTINE: Well, we have looked at all
9 the police reports that were created and written in this
10 case.
11 So just like I said, if you saw -- if you
12 remembered something and you thought -- and you think, "Oh,
13 I should, you know, let her know this," or, "I now remember
14 this detail," just feel free to reach out and let me know.
15 MS. KELLY: (Indiscernible) the same details
16 that's in the report, police report?
17 MS. BRIDENSTINE: I'm sorry?
18 MS. KELLY: Are you talking about the same
19 details that was part of the police report?
20 MS. BRIDENSTINE: No. Just if you just
21 happen to remember anything else yourself just now. I mean,
22 if -- if something happens and you think, "Oh, I remember
23 this now," and you think I should know --
24 MS. KELLY: I remember -- I remember what
25 happened and the fact that my roommate was standing beside

1 me when he walked down the hall.
2 MS. BRIDENSTINE: Uh-huh.
3 MS. KELLY: But because she was in her
4 underwear, she's left the door -- hallway. And I remember
5 they saying that they found his dashiki -- because he had a
6 dashiki on -- behind the building.
7 MS. BRIDENSTINE: Uh-huh.
8 MS. KELLY: And they found his knife in the
9 rec room, but they could not pick up prints because it was a
10 room kind of -- you know, they couldn't pick up prints.
11 I remember running to the security booth to
12 try to get the security guard once I got on the first floor,
13 and nobody was in the security booth.
14 MS. BRIDENSTINE: Okay. All right.
15 So the hearing is scheduled for November 14th
16 through the 16th. That's Monday, Tuesday, Wednesday --
17 that's the week before Thanksgiving -- I am so sorry.
18 That's the Wednesday through Friday before Thanksgiving, not
19 the Monday through Wednesday.
20 So that's Wednesday, Thursday, and Friday,
21 14th, 15th, and 16th of November.
22 I know last time we talked, you had said that
23 you were willing to come up and testify at our hearing. I
24 will get in touch with you probably really soon, this week
25 or next week, to talk about arrangements for that.

1 But do you have any questions about that
2 right now that I could answer?
3 MS. KELLY: No. I just need to let
4 management know my projected -- because we kind of like, in
5 a month in advance for schedule of -- you know, I work for
6 the government, and we have no clerical people. So someone
7 has to be (indiscernible) every day to process the mail and
8 checks that we get. And so we rotate it based on --
9 everybody is doing it, like, once a week. So management
10 likes to print it out a month in advance.
11 MS. BRIDENSTINE: Okay.
12 MS. KELLY: And they (indiscernible) leave
13 requests so they can do the schedule around people's leave.
14 MS. BRIDENSTINE: All right. So let me talk
15 to my boss about that, and I would say if you can block off
16 that time, it's the 14th through the 16th, but we might be
17 able to give you a better idea of which day we would call
18 you or that we would need you.
19 So let me get in touch with my boss and talk
20 to her about that and then I can give you a call back on
21 Monday.
22 Would that work?
23 MS. KELLY: Yeah. The thing was -- I was
24 saying is if you decided that you needed me to come up
25 there, I was going to -- I have a sister still in North

1 Carolina, and I was going to make arrangements to visit her
2 a couple of days before --
3 MS. BRIDENSTINE: Okay.
4 MS. KELLY: -- or after --
5 MS. BRIDENSTINE: Okay.
6 MS. KELLY: -- the trip because of the fact
7 that I don't get to see her that much, and our --
8 Thanksgiving, I will be here at (indiscernible) Florida. So
9 here's an opportunity to visit my family while I'm up there.
10 So I was going to request a week off.
11 MS. BRIDENSTINE: Okay.
12 MS. KELLY: But I needed to know was it
13 necessary to request a week based on whether or not you
14 needed me or not.
15 MS. BRIDENSTINE: Well, the dates of the
16 hearing are the 14th, 15th, and 16th. So those are the only
17 days where you would even possibly be called.
18 MS. KELLY: Okay. But I'm just saying I was
19 planning on doing the whole week, if I have to.
20 MS. BRIDENSTINE: Okay.
21 MS. KELLY: Or two days -- okay.
22 MS. BRIDENSTINE: All right. All right.
23 Well, I will still get back to you and try
24 and firm up those details as soon as possible. Okay?
25 MS. KELLY: No problem.

1 MS. BRIDENSTINE: All right. Thanks a lot.
2 MS. KELLY: Thank you.
3 MS. BRIDENSTINE: Uh-huh. Bye.
4 MS. KELLY: Bye-bye.
5 (The recorded interview concluded.)
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1 CERTIFICATE OF TRANSCRIPT

2

3 This is to certify that the 29 pages of this
4 transcript of the recorded interview of Jackie Kelly was taken
5 on October 13, 2018, is a true and accurate transcript to the
6 best of my ability.
7 I further certify that I am not counsel for nor
8 related to any party or attorney, nor am I interested in the
9 results of this action.
10 This the 22nd day of October, 2018.
11
12
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14
15
16
17
18 _____
19 Victoria L. Pittman
AOC-Approved Transcriber
20 PO Box 47
Wake Forest, NC 27588
21 919.931.6222
toriRDR@gmail.com
22
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Handout 31

Wilson Jones

Made in U.S.A.

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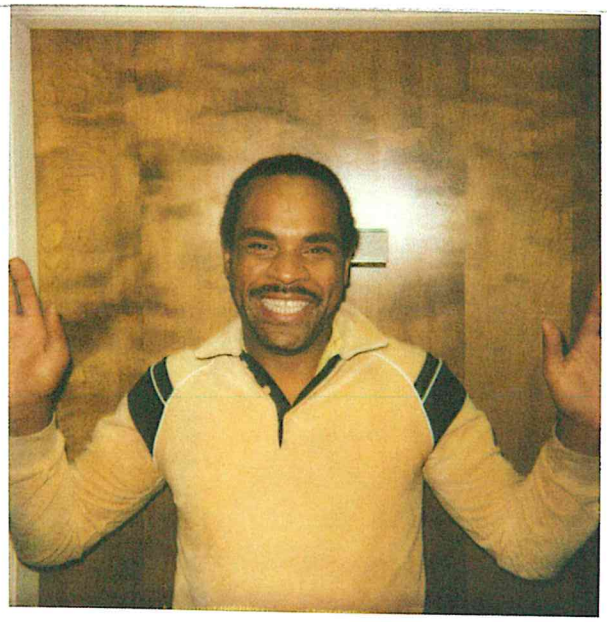
GENUINE PRESSBOARD

REDICOVERS



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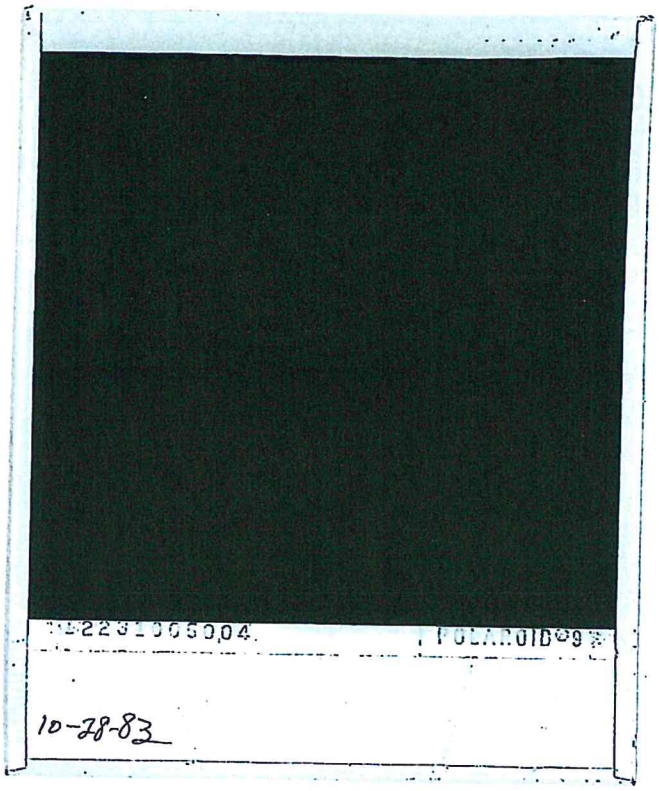
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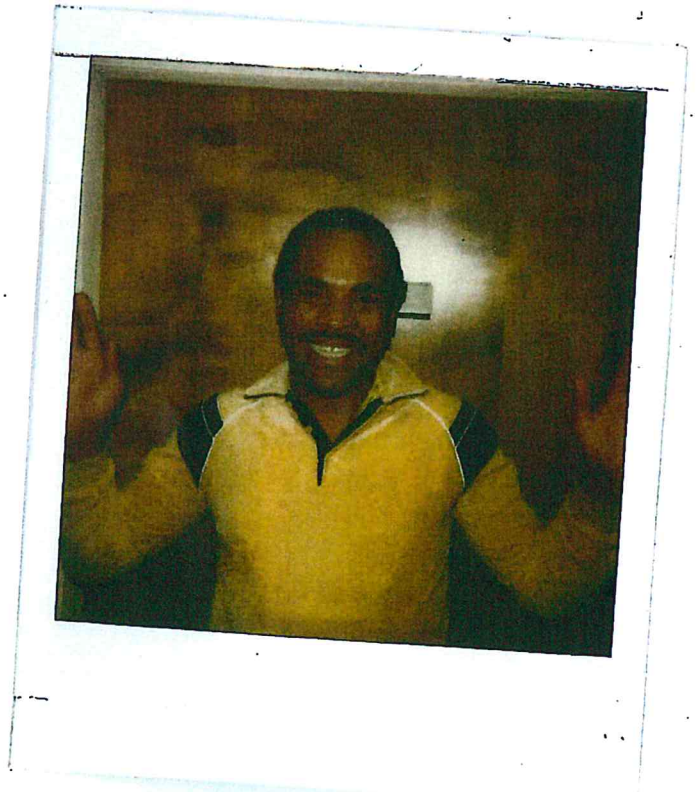

Handout 32

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22 ANDREW MUNDAY: If I was interviewing a person
23 that was a suspect, again, I would try to develop some
24 kind of rapport with him in order to get him to talk,
25 you know. I -- I was never a person that was --
confronted a witness

1 or a suspect as hostile, you know, if I was trying to get
2 something from him.
3 MS. TANNER: Right. When you were -- and I'm
4 going to use the word interrogating, but we can use the word
5 talking.
6 ANDREW MUNDAY: No problem.
7 MS. TANNER: -- talking to a suspect, did you ever
8 purchase them food or take them for a haircut and a shave or
9 run errands with them in order to build that rapport?
10 ANDREW MUNDAY: Yes.
11 MS. TANNER: You did.
12 ANDREW MUNDAY: Yeah.
13 MS. TANNER: All three of those things?
14 ANDREW MUNDAY: I've never -- I don't remember
15 taking somebody to get a haircut, but I purchased some food
16 and did -- did small things like that, carried them places.
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MS. TANNER: So tell me a little bit -- because you said he came with dreadlocks. Do you -- did he have facial hair at the time when you were talking to him in the '80s?

ANDREW MUNDAY: I think so.

MS. TANNER: Okay. Did you ever remember a time where Mr. Blackmon did not have facial hair?

ANDREW MUNDAY: I don't recall a time.

MS. TANNER: Okay. And the dreads, did he have the dreads the whole time you were working with them or did he eventually get rid of them?

1 ANDREW MUNDAY: I think he had them the whole
2 time.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: I can't remember when we were in
5 court whether he had them or not, but I believe he did.
6 MS. TANNER: Okay. Was there ever a time when you
7 talked with him about going and getting the dreads cut off
8 or looking less scary?
9 ANDREW MUNDAY: James was -- even though he was a
10 street person, he was -- he kept hisself clean. He would go
11 in public places and bathrooms and -- and -- and wash up at
12 the sink and all this kind of stuff. He properly did take
13 baths, but he -- he tried to keep himself clean. And it
14 seems like to me, we might have carried him one time to
15 get -- to get a haircut, but I can't swear to that out.
16 MS. TANNER: Okay. And why would you have carried
17 him to get a haircut? I know he had those dreads, but --
18 ANDREW MUNDAY: Just -- just cooperating with
19 them.
20 MS. TANNER: Cooperating with him.
21 ANDREW MUNDAY: To win him over that much more.
22 We carried him to Lumberton for Thanksgiving --
23 MS. TANNER: Yeah, I saw that. I actually have
24 that --
25 ANDREW MUNDAY: -- to be with his family.

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14 MS. TANNER: Okay. So here is -- this is
15 another -- another note. And I think I might be on -- I
16 don't know what Exhibit. I'm just going to call it 18 even
17 if I'm skipping around so I don't miss it. But this is an
18 11/5 note from Dorothea Dix. It's pages 142 and 143. You
19 can read the whole note. It kind of starts right here. But
20 Mr. Blackmon -- this is 11/5 and he's talking about that he
21 did to get a cut and he was well groomed. And that he said
22 "This is the new James Blackmon." Does that --
23 ANDREW MUNDAY: Yes.
24 MS. TANNER: -- does that refresh your
25 recollection?

1 ANDREW MUNDAY: Very -- very much.
2 MS. TANNER: Okay. Tell me what you remember now
3 about that.
4 ANDREW MUNDAY: I just I remember him getting
5 cleaned up and -- and he probably did get a haircut. And --
6 and he was calling himself "The new James Blackmon."
7 MS. TANNER: Okay.
8 ANDREW MUNDAY: "The good one."
9 MS. TANNER: And you had said that it's possible
10 that you guys took him to run that errand. Does this
11 refresh your recollection --
12 ANDREW MUNDAY: Yes.
13 MS. TANNER: -- now that you guys --
14 ANDREW MUNDAY: Pretty much.
15 MS. TANNER: -- took him?
16 ANDREW MUNDAY: Yeah.
17 MS. TANNER: Okay. You remember taking him; is
18 that right?
19 ANDREW MUNDAY: Yeah, I think so.
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Handout 33

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 83 CRS 84695

STATE OF NORTH CAROLINA,

Petitioner,

vs.

JAMES ANDREW BLACKMON,

Defendant.

TRANSCRIPT

Recorded Interview

This is the transcript of the recorded interview taken of James Blackmon which was conducted by Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The interview took place on May 14, 2014, at Maury Correctional Institute located in Maury, North Carolina.

APPEARANCES:

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

Jasmon Walson, Grant Staff Investigator
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present: Beth McNeil, Attorney
NC Prisoner Legal Services

Transcribed by Donna Rowe - ddrsteno@gmail.com

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

2 MS. MCNEILL: Hi, Mr. Blackmon. How are you? Do

3 you remember me --

4 MR. BLACKMON: Yes.

5 MS. MCNEILL: -- from Prisoner Legal Services? I

6 know you've seen me in Harnett --

7 MR. BLACKMON: Yes, ma'am.

8 MS. MCNEILL: -- a couple times.

9 Well, this is Ms. Matoian --

10 MS. MATOIAN: Matoian.

11 MS. MCNEILL: Matoian. I'm sorry. From the

12 Innocence Commission and this is one of their investigators.

13 And they wanted to ask you some questions and are going to

14 take a DNA sample.

15 MR. BLACKMON: Yes, ma'am. Well, they said they

16 found some (inaudible.)

17 MS. MCNEILL: Uh-huh.

18 MR. BLACKMON: They found the dashiki with blood

19 on it.

20 MS. MCNEILL: Well.

21 MR. BLACKMON: (Inaudible.)

22 MS. MCNEILL: The Dashiki.

23 MR. BLACKMON: They said a garment -- they said it

24 was a garment that they found.

25 MS. MCNEILL: Yeah. Well, -- I -- I don't know

1 that they have found that. They --
2 MR. BLACKMON: Well, do they have that in my
3 records?
4 MS. MCNEILL: Well, I don't know that they have it
5 now, but they -- it's kind of standard procedure to get a
6 DNA sample in case they do come across that they --
7 MR. BLACKMON: They did come across it. In my --
8 my record, they said they found it.
9 MS. MCNEILL: Well, they -- they found it back
10 then.
11 MR. BLACKMON: Yeah.
12 MS. MCNEILL: The problem is we don't know that
13 they still have it.
14 MR. BLACKMON: Well, they got that. They -- they
15 took all of my paperwork and destroyed everything I had.
16 MS. MCNEILL: When you moved here?
17 MR. BLACKMON: No. When I was -- when I was --
18 when they was coming to see me, the last thing they did,
19 they said they destroyed everything.
20 MS. MCNEILL: Okay.
21 MR. BLACKMON: (Inaudible), everything I had.
22 They destroyed everything.
23 MS. MCNEILL: Well, the -- the good news is, I
24 have a copy of all the papers that I sent you --
25 MR. BLACKMON: Yeah, yeah.

1 MS. MCNEILL: -- back and forth, so I -- I can
2 take care of that.
3 MR. BLACKMON: But I'm saying though all my
4 original papers --
5 MS. MCNEILL: Okay.
6 MR. BLACKMON: -- destroyed everything, my
7 (inaudible). They destroyed everything.
8 MS. MCNEILL: Okay. Okay. Well, we -- I -- I
9 have a lot. I have copies of a lot of stuff.
10 MR. BLACKMON: You told me you were going to go
11 see my sister, right?
12 MS. MCNEILL: I -- I tried to write your sister.
13 MR. BLACKMON: But I'm saying that you told me
14 they were going down to talk to her. That was the last time
15 I saw you.
16 MS. MATOIAN: Well, it was one of the things we
17 wanted to talk about, getting in touch with some of your
18 family members.
19 MR. BLACKMON: Yeah. That's what they said they
20 were going to do. Leave me lying in here forever, you know.
21 MS. MCNEILL: Okay. Well, this is -- this is --
22 this is a new group of folks.
23 MR. BLACKMON: Yes, ma'am.
24 MS. MCNEILL: This is -- this is not the -- this
25 is not the group that you dealt with. This is not the

1 detectives from Raleigh.
2 MR. BLACKMON: Yeah.
3 MS. MCNEILL: This is a -- this is -- this is a
4 group, a new group with the Innocence Commission. And they
5 just wanted to ask you some questions because they --
6 they're working on things and trying to see what they can
7 find.
8 MR. BLACKMON: I understand.
9 MS. MCNEILL: And so they're gong to ask you a
10 couple of questions and take a DNA sample. And that's --
11 that's all they're -- that's what -- that's all they're here
12 to do today --
13 MR. BLACKMON: Okay.
14 MS. MCNEILL: -- is just get some information from
15 you.
16 MR. BLACKMON: All right.
17 MS. MATOIAN: Okay. Hi, Mr. Blackmon.
18 MR. BLACKMON: Hi.
19 MS. MATOIAN: I was wondering if you remember when
20 you used to live in Binghamton, New York.
21 MR. BLACKMON: Yeah, I remember.
22 MS. MATOIAN: And who did you live in Binghamton
23 with?
24 MR. BLACKMON: I had a girlfriend I was staying
25 with.

1 MS. MATOIAN: Did you --
2 MR. BLACKMON: Her name was Peggy McCall
3 (phonetic).
4 MS. MATOIAN: Did you have a -- did you have
5 family out there?
6 MR. BLACKMON: Nah.
7 MS. MATOIAN: Okay. Do you remember when you left
8 Binghamton?
9 MR. BLACKMON: No, ma'am. I don't remember at
10 all.
11 MS. MATOIAN: Do you remember ever being in
12 Florida?
13 MR. BLACKMON: Yes. I was there for -- for about
14 three days down there in Florida.
15 MS. MATOIAN: And where were you at right before
16 you went to Florida?
17 MR. BLACKMON: I was staying with my girlfriend in
18 Raleigh.
19 MS. MATOIAN: Girlfriend in Raleigh?
20 MR. BLACKMON: Yeah. Her name was Erma Williams.
21 Erma Williams was her name.
22 She -- at the -- at the time it happened, me and
23 her were work at Black and Decker. But she wasn't
24 (inaudible).
25 MS. MATOIAN: Okay.

1 MR. BLACKMON: I was working at Black and Decker,
2 Black and Decker.
3 MS. MATOIAN: Okay. So you went from Binghamton
4 to Raleigh to --
5 MR. BLACKMON: No. I went from Binghamton to
6 North Carolina, Lumberton, North Carolina, to see my
7 grandma.
8 MS. MATOIAN: Is that in Lumberton?
9 MR. BLACKMON: Yeah. Because my grandma -- mom
10 and grandma. My mother, she was blind at the time.
11 MS. MATOIAN: Okay. And then we were trying to
12 get in touch with a few of your family members just to ask
13 them a few questions. Ms. McNeill already gave me addresses
14 for your sister and your aunt.
15 MR. BLACKMON: Yes, ma'am.
16 MS. MATOIAN: I have a list of a few other people.
17 You may not know their addresses off the top of your head,
18 but any contact information, whether now or later, you can
19 provide to either me or Ms. McNeill would be really helpful.
20 MR. BLACKMON: Okay.
21 MS. MATOIAN: Okay. Is your mother still living?
22 MR. BLACKMON: Nah, she's dead.
23 MS. MATOIAN: Okay.
24 MR. BLACKMON: My mother, grandma she dead, too.
25 MS. MATOIAN: Okay.

1 MR. BLACKMON: They died together since I've been
2 locked up.
3 MS. MATOIAN: Okay. I'm sorry to hear that.
4 MR. BLACKMON: Yeah.
5 MS. MATOIAN: Aside from -- let's see. Aside from
6 Linda Floyd, do you have any other siblings?
7 MR. BLACKMON: What's that?
8 MS. MATOIAN: Do you have any other siblings?
9 MR. BLACKMON: What's that, siblings?
10 MS. MATOIAN: Brothers or sisters.
11 MR. BLACKMON: Yeah. Got a brother named James
12 and one named Anthony. Anthony Blackmon and James Blackmon.
13 MS. MATOIAN: You have another brother named
14 James?
15 MR. BLACKMON: Yeah. And a brother named Anthony
16 Blackmon.
17 MS. MATOIAN: James and Anthony Blackmon, okay.
18 What about a man named Fred Hooker?
19 MR. BLACKMON: Who?
20 MS. MATOIAN: Fred Hooker.
21 MR. BLACKMON: Fred Hooker? My brother's name is
22 Freddy Blackmon.
23 MS. MATOIAN: Freddy Blackmon?
24 MR. BLACKMON: (Inaudible.)
25 MS. MATOIAN: Okay. What about --

1 MR. BLACKMON: I don't know where he at.
2 MS. MATOIAN: I'm sorry?
3 MR. BLACKMON: I said I don't know where my
4 brother Freddy at.
5 MS. MATOIAN: You don't know where he's at?
6 MR. BLACKMON: Nobody know where he's at.
7 MS. MATOIAN: What about your friend Allen
8 Thompson?
9 MR. BLACKMON: Oh, yeah. He living over there
10 somewhere with -- I don't know where he live now.
11 MS. MATOIAN: Where did he used to live?
12 MR. BLACKMON: In Lumberton. That's where he
13 from, Lumberton.
14 MS. MATOIAN: Lumberton. Okay. And is he about
15 your age?
16 MR. BLACKMON: Yeah.
17 MS. MATOIAN: Okay. What about do you have a
18 sister named Sharon Hooker?
19 MR. BLACKMON: Who?
20 MS. MATOIAN: Sharon Hooker?
21 MR. BLACKMON: Yeah. Sharon. My sister's name is
22 Linda Floyd, Linda Blackmon and she got married to a guy and
23 now her name is Linda Floyd.
24 MS. MATOIAN: Linda Floyd. Okay.
25 MR. BLACKMON: Linda Floyd is my sister.

1 MS. MATOIAN: Okay. And I know you have an aunt
2 named Shirley Jones. Do you have an aunt named Esteen
3 Hooker?
4 MR. BLACKMON: Who?
5 MS. MATOIAN: Esteen Hooker or Erstine.
6 MR. BLACKMON: She's dead. She's dead. Esteen,
7 she's dead.
8 MS. MATOIAN: Okay.
9 MR. BLACKMON: Well, my aunt Shirley Hooker,
10 Shirley, her name is Shirley --
11 MS. MATOIAN: Jones.
12 MR. BLACKMON: She -- Shirley (inaudible) my aunt.
13 MS. MATOIAN: Okay. What about a friend named
14 Zedric Thompson?
15 MR. BLACKMON: Who? Oh, that -- that's his
16 brother that died.
17 MS. MATOIAN: Okay. He's deceased.
18 MR. BLACKMON: Allen Thompson's brother is dead.
19 MS. MATOIAN: Okay.
20 MR. BLACKMON: Hey, they took all my -- all my
21 stuff, everything I had. My old case papers are all --
22 (inaudible). They destroyed everything (inaudible) it all.
23 MS. MCNEILL: Okay. I'm sorry. You know,
24 sometimes --
25 MR. BLACKMON: They destroyed everything.

1 MS. MCNEILL: Sometimes that happens. I -- we --
2 I have a copy of everything.
3 MR. BLACKMON: But I'm saying I have really little
4 chance because they destroyed all that stuff.
5 MS. MCNEILL: I understand. I understand and I --
6 and I'm -- I'm sorry that happened. And we can -- when you
7 get moved to another prison, if you want me to send you
8 another copy, I can.
9 MR. BLACKMON: I'm saying the copy that they sent
10 me, right --
11 MS. MCNEILL: Uh-huh.
12 MR. BLACKMON: -- a copy (inaudible) was my
13 original chance because they destroyed evidence.
14 MS. MCNEILL: Okay. Okay. I understand. I
15 understand. I'm sorry.
16 MR. BLACKMON: Yeah. All right.
17 MS. MATOIAN: Do you have uncles named Sonny Jones
18 or William Jones?
19 MR. BLACKMON: Sonny Jones? Sonny Jones?
20 MS. MATOIAN: Would they be related to Shirley?
21 MR. BLACKMON: No. My aunt can tell you -- Sonny
22 -- Sonny Jones is Shirley -- Shirley Jones' husband.
23 MS. MATOIAN: Husband. Okay.
24 MR. BLACKMON: That's my aunt's boyfriend. That's
25 Shirley -- Shirley Jones -- Shirley Jones. That was her old

1 man.
2 MS. MATOIAN: Okay. I just want to go back to
3 when you were living in Binghamton a little bit. I know
4 you said you lived with a girlfriend. Do you remember
5 living at the YMCA at all?
6 MR. BLACKMON: I never stayed at that YMCA in my
7 life.
8 MS. MATOIAN: Never --
9 MR. BLACKMON: Only (inaudible).
10 MS. MATOIAN: Okay. And that was in Binghamton?
11 MR. BLACKMON: Yes, ma'am.
12 MS. MATOIAN: Okay. Do you remember when you left
13 the YMCA at all?
14 MR. BLACKMON: I think I -- I can't remember that
15 all. It's been a good while since I left there and came
16 back to North Carolina.
17 MS. MATOIAN: Okay. And when you traveled in
18 those days, how did you travel?
19 MR. BLACKMON: By bus. Sometimes I walked.
20 MS. MATOIAN: Okay. And when you were living in
21 New York, did you receive any type of government assistance
22 like disability?
23 MR. BLACKMON: Yeah. When I was in Binghamton,
24 New York, I was.
25 MS. MATOIAN: Was it disability or Social --

1 MR. BLACKMON: Disability.
2 MS. MATOIAN: Okay.
3 MR. BLACKMON: I was on medication in Binghamton
4 back then.
5 MS. MATOIAN: Okay. Were you ever in a mental
6 health facility when you lived in New York?
7 MR. BLACKMON: Yeah. I got the meds by going
8 there.
9 MS. MATOIAN: Do you remember the name of it?
10 MR. BLACKMON: On The Hill. The place On The Hill
11 is what it's called because (inaudible) that's the only
12 institution they got in Binghamton.
13 MS. MATOIAN: They called it On The Hill?
14 MR. BLACKMON: Yeah. They called it On The Hill,
15 yeah.
16 MS. MATOIAN: Okay. And that -- do you know if
17 that was around Binghamton or --
18 MR. BLACKMON: It -- it was in Binghamton.
19 MS. MATOIAN: In -- in Binghamton.
20 MR. BLACKMON: (Inaudible) and stuff.
21 MS. MATOIAN: Okay. Do you know somebody named
22 Debra Blackmon?
23 MR. BLACKMON: Who?
24 MS. MATOIAN: Debra Blackmon.
25 MR. BLACKMON: No. I got a Debra Sterling

1 (inaudible) my girlfriend in Binghamton.
2 MS. MATOIAN: She was your girlfriend in
3 Binghamton, okay.
4 MR. BLACKMON: Yeah. (Inaudible) Debra Sterling.
5 She had a baby by me, but she had a miscarriage.
6 MS. MATOIAN: Okay.
7 MR. BLACKMON: Did you hear me?
8 MS. MATOIAN: Can you say that again?
9 MR. BLACKMON: She had a baby by me but she had a
10 miscarriage.
11 MS. MATOIAN: She had a miscarriage. Okay.
12 Have you had any contact with her since you've
13 been here?
14 MR. BLACKMON: No. This is a long time ago.
15 MS. MATOIAN: Yeah.
16 MR. BLACKMON: (Inaudible). I don't respond to
17 that.
18 MS. MATOIAN: Okay. All right. Mr. Blackmon, I
19 know you said they destroyed your papers. When you do go
20 back to your cell, if you can find or think of any addresses
21 for them.
22 MR. BLACKMON: All of their addresses (inaudible).
23 MS. MATOIAN: No address or anything, okay. Well,
24 if you happen to come across any, you can send them to
25 Ms. McNeill and she'll make sure they get to me, okay?

1 MR. BLACKMON: I don't have them. They're all
2 (inaudible).
3 MS. MATOIAN: I understand. All right. I'm going
4 through the list.
5 Besides the -- the facility in Binghamton On the
6 Hill and Dorothea Dix, can you think of any other mental
7 health facilities you've ever been a patient at?
8 MR. BLACKMON: I was in Rome State School. I
9 would have been a child then, 14. Rome State School.
10 MS. MATOIAN: Rome State School in Rome, New York?
11 MR. BLACKMON: In Rome. I stayed in Rome, yeah.
12 MS. MATOIAN: I know where Rome is.
13 MR. BLACKMON: Do you know where Rome is?
14 MS. MATOIAN: Uh-huh.
15 MR. BLACKMON: Have you ever been there?
16 MS. MATOIAN: Yup.
17 MR. BLACKMON: (Inaudible), too, you know.
18 MS. MATOIAN: Yes.
19 MR. BLACKMON: The doctors (inaudible). You been
20 to Rome, too.
21 MS. MATOIAN: I have, yes. And I'm from New York.
22 MR. BLACKMON: There's a place there (inaudible.)
23 It's real nice.
24 MS. MATOIAN: It's very nice.
25 MR. BLACKMON: Yeah. I was in State School when I

1 was going to school. (Inaudible.)
2 MS. MATOIAN: Okay. All right, Mr. Blackmon. I
3 think that's all the questions that I have. I'm going to
4 get one of the guards to figure out how we're going to
5 collect a buccal swab with you and Ms. McNeill will be right
6 next to me explaining anything that you have any questions
7 about, okay?
8 MR. BLACKMON: Yes, ma'am.
9 MS. MATOIAN: All right. Let me go find someone.
10 MR. BLACKMON: Hey, I gotta wait about 90 days
11 here (inaudible) jail.
12 MS. MATOIAN: Can you say that again?
13 MR. BLACKMON: I said I had to wait about 90 days
14 before I could (inaudible) old camp.
15 MS. MATOIAN: Oh, okay.
16 MR. BLACKMON: That what they told me.
17 MS. MATOIAN: So you're here for 90 more days?
18 MR. BLACKMON: 90 more days, yeah.
19 MS. MATOIAN: Okay. All right. Let me --
20 MS. MCNEILL: So how are you doing?
21 MR. BLACKMON: I'm (inaudible.) They destroyed
22 all my stuff.
23 MS. MCNEILL: Yeah.
24 MR. BLACKMON: They destroyed everything.
25 MS. MCNEILL: I understand. I -- I know. I'm

1 sorry that that happened. So -- but you're hoping to go
2 back to Harnett?
3 MR. BLACKMON: Yeah. I'll try to go back there.
4 Or if not there, Raleigh.
5 MS. MCNEILL: Or Raleigh, to Central?
6 MR. BLACKMON: Yeah. You know something, all the
7 papers I had when I was sent to prison, all my papers and
8 stuff, they took all of my things, even (inaudible),
9 because, you know, ain't going to worry about it.
10 MS. MCNEILL: No. Yeah. There's -- there's --
11 there's nothing -- nothing we can do about it.
12 MR. BLACKMON: (Inaudible.)
13 MS. MCNEILL: But if -- if you get back there and
14 you want copies of stuff, let me know.
15 MR. BLACKMON: Yeah. But by losing (inaudible) I
16 had, my personal papers that I had, they destroyed
17 everything.
18 MS. MCNEILL: I'm sorry. I'm sorry.
19 MR. BLACKMON: They -- even all the paperwork that
20 they gave me, what they gave me. (Inaudible) all that's
21 destroyed.
22 MS. MCNEILL: Okay. Okay. Well, I'm sorry that
23 happened.
24 MR. BLACKMON: Yeah.
25 MS. MCNEILL: Are you still -- are you continuing

1 to see your doctor?
2 MR. BLACKMON: Yes, ma'am. They got me on
3 (inaudible) medication.
4 MS. MCNEILL: Okay.
5 MR. BLACKMON: Make me feel a little better.
6 MS. MCNEILL: And so you're feeling better?
7 MR. BLACKMON: Yeah.
8 MS. MCNEILL: That's good.
9 MR. BLACKMON: It keeps me from hallucinating.
10 MS. MCNEILL: It keeps you from what?
11 MR. BLACKMON: From hallucinating, seeing things.
12 MS. MCNEILL: Oh, I see, yeah.
13 MR. BLACKMON: (Inaudible.)
14 MS. MCNEILL: Yeah. Were you hallucinating at
15 Harnett?
16 MR. BLACKMON: Yeah.
17 MS. MCNEILL: Yeah. I'm sorry.
18 MS. MATOIAN: It's going to be a few minutes so we
19 can keep chatting.
20 MS. MCNEILL: I think what they're going to do is
21 they're going to take a -- a swab, like gigantic Q-tip.
22 MS. MATOIAN: This is the kit. We're going to
23 have two Q-tips.
24 MR. BLACKMON: Ma'am?
25 MS. MATOIAN: Two Q-tips are in here and then I'm

1 just going to swab the inside of both of your cheeks.
2 MR. BLACKMON: Yes, ma'am.
3 MS. MATOIAN: It will take two seconds.
4 MR. BLACKMON: All right. Where, inside my mouth.
5 MS. MATOIAN: Huh?
6 MR. BLACKMON: Inside my mouth?
7 MS. MCNEILL: Yeah. She'll -- she's -- she's just
8 going to -- you'll just open your mouth and she'll just --
9 it won't hurt or anything.
10 MR. BLACKMON: My mouth is dry though. It's dry.
11 MS. MATOIAN: Okay. That's all right.
12 MS. MCNEILL: That's fine.
13 MS. MATOIAN: That will be okay. It will just
14 take two seconds.
15 MR. BLACKMON: Yes, ma'am. Hey, I mean how long
16 have I been locked up?
17 MS. MCNEILL: Huh?
18 MR. BLACKMON: How long have I been locked up?
19 MS. MCNEILL: What?
20 MR. BLACKMON: How long have I been locked up?
21 MS. MATOIAN: Almost 30 years.
22 MR. BLACKMON: Almost 30 years. Damn. That's a
23 long time here.
24 MS. MATOIAN: Very long time. Now, I do you want
25 to --

1 MR. BLACKMON: Hey, you know something, that guy
2 that did -- (inaudible) run on up to him and was beating him
3 up, they got the same case almost like.
4 MS. MATOIAN: What guy?
5 MR. BLACKMON: That young (inaudible) that they
6 got all the (inaudible) at Dorothea Dix. I don't remember
7 his name.
8 MS. MCNEILL: Somebody at Dorothea Dix?
9 MR. BLACKMON: The young man that got all that
10 money from (inaudible). Now he got the same (inaudible) and
11 he got the same case I got.
12 MS. MCNEILL: The young guy that went to Dorothea
13 Dix?
14 MR. BLACKMON: The young -- young (inaudible) at
15 Dix. We got the same case, everything. (Inaudible),
16 everything. They tried to (inaudible).
17 MS. MCNEILL: Okay.
18 MS. MATOIAN: Do you remember what his name was?
19 MR. BLACKMON: Nah. I just know he got a -- he
20 got (inaudible), but I can't say his name though.
21 MS. MATOIAN: Okay.
22 MR. BLACKMON: I remember he had the same
23 (inaudible) as me, everything. The same thing.
24 MS. MATOIAN: Okay. I should have done this
25 before I started talking and I apologize, but just I know

1 she explained a little bit who we are. I just want to make
2 sure I tell you. Like she said, we work for the North
3 Carolina Innocence Inquiry Commission. And I know you two
4 spoke about asking us to investigate your case, so your case
5 is under investigation with us. And we're a neutral state
6 agency, which means that we don't represent you and we don't
7 represent the State. We just look at the facts and the
8 truth and that's it.
9 MR. BLACKMON: All right.
10 MS. MATOIAN: So just want to make sure you
11 understand that.
12 MR. BLACKMON: I do. Thank you.
13 MS. MATOIAN: Okay. Anytime you have -- I don't
14 know if they'll let me give you my business card -- anytime
15 you have questions, if you want to write to her or you can
16 write directly to us.
17 MR. BLACKMON: I have somebody else. I can't
18 write, read or write.
19 MS. MATOIAN: Uh-huh. I understand.
20 MS. MCNEILL: Do you have somebody here who can --
21 MR. BLACKMON: I need to try to find somebody.
22 I'm on the block now.
23 MS. MCNEILL: Okay. Okay.
24 MR. BLACKMON: When I come off the block, I'll
25 find somebody.

1 MS. MCNEILL: Okay.
2 MR. BLACKMON: You (inaudible).
3 MS. MCNEILL: Okay. Do you want me to write you
4 while you're here or --
5 MR. BLACKMON: Yeah. Let's see if (inaudible),
6 yeah.
7 MS. MCNEILL: Okay.
8 MR. BLACKMON: (Inaudible.)
9 MS. MCNEILL: Huh?
10 MR. BLACKMON: You write me.
11 MS. MCNEILL: Okay. I'll write you. I just
12 didn't know if you wanted me to wait until you were out of
13 lockup, but I -- I can --
14 MR. BLACKMON: (Inaudible.)
15 MS. MCNEILL: Okay.
16 MR. BLACKMON: (Inaudible.)
17 MS. MCNEILL: Okay. I'll write you when I get
18 back to the office this week.
19 MR. BLACKMON: All right. Thank you.
20 MS. MCNEILL: I'll send you a letter.
21 MR. BLACKMON: (Inaudible) big capital letters.
22 MS. MCNEILL: I will.
23 MR. BLACKMON: (Inaudible.)
24 MS. MCNEILL: Okay.
25 MR. BLACKMON: I've been locked up for 30 years?

1 I've been locked up 30 years?
2 MS. MATOIAN: Almost 30 years.
3 MR. BLACKMON: Damn. That's a long time, isn't
4 it?
5 MS. MATOIAN: Yes. How long have you been in
6 Maury? How long have you been here?
7 MR. BLACKMON: About almost three months.
8 MS. MATOIAN: And what camp were you at before
9 this?
10 MR. BLACKMON: Where was it I was at?
11 MS. MCNEILL: You were at Harnett.
12 MR. BLACKMON: It was Harnett. Okay. And then I
13 was at Raleigh.
14 MS. MATOIAN: You were at Central?
15 MR. BLACKMON: Yeah. My things showed up after
16 (inaudible).
17 MS. MCNEILL: Okay. Were you --
18 MR. BLACKMON: It was real bad.
19 MS. MCNEILL: Were you having problems with your
20 medication?
21 MR. BLACKMON: (Inaudible), yeah.
22 MS. MCNEILL: But you're feeling -- things are
23 better now?
24 MR. BLACKMON: Yeah. They took all the sheet and
25 everything (inaudible), everything was pulled out.

1 (Inaudible.)
2 MS. MATOIAN: Is that better now?
3 MR. BLACKMON: It's getting better now.
4 MS. MATOIAN: That's good.
5 MR. BLACKMON: They were big, too. (Inaudible)
6 that big. They don't (inaudible).
7 MS. MATOIAN: Okay.
8 MR. BLACKMON: Hey, I know that -- I thought you
9 said 30 years or 30 years?
10 MS. MATOIAN: Almost 30 years.
11 MR. BLACKMON: Damn. That's -- that's a life
12 sentence. That's what it is. 30 years. That's pulling
13 time, you know that?
14 MS. MCNEILL: So did you like Central? Did you --
15 MR. BLACKMON: (Inaudible.) It was all right.
16 MS. MCNEILL: There's --
17 MR. BLACKMON: (Inaudible) camp like (inaudible).
18 MS. MCNEILL: At Harnett, yeah.
19 MR. BLACKMON: (Inaudible) as Central.
20 (Inaudible.)
21 MS. MCNEILL: Uh-huh.
22 MS. MATOIAN: They're just having us wait until
23 the other inmates finish their visitation so that way they
24 can bring you out there and we'll do the swab then.
25 MR. BLACKMON: Hey, (inaudible)?

1 MS. MATOIAN: Can you say that again?
2 MR. BLACKMON: They lied to me so much they had me
3 lying on myself.
4 MS. MATOIAN: Who did, the police?
5 MR. BLACKMON: Yeah.
6 MS. MATOIAN: What did they lie to you about?
7 MR. BLACKMON: They me saying that they said I did
8 it. I was all messed up back then. I didn't know what was
9 going on. (Inaudible.)
10 Hey, when you find that guy, the one that did all
11 that (inaudible), he got the same (inaudible) as me.
12 MS. MATOIAN: When you say "the same," do you mean
13 the same circumstances or the same case?
14 MR. BLACKMON: Same circumstances, yeah.
15 Everything. Everything.
16 MS. MATOIAN: Do you remember anything about this
17 man?
18 MR. BLACKMON: I can't remember his name, but I
19 know that he's -- the cops, they gave him a whole lot of
20 money to disappear up there (inaudible).
21 MS. MATOIAN: They gave him money to disappear, is
22 that what you said?
23 MR. BLACKMON: No, ma'am. They had to pay him for
24 all the wrong that they did to him.
25 MS. MATOIAN: Okay.

1 MR. BLACKMON: Actually, they paid him
2 (inaudible). He.
3 MS. MATOIAN: Okay.
4 MR. BLACKMON: He's the only bad guy (inaudible)
5 paid. They tried to (inaudible). He got the same
6 (inaudible) as me (inaudible).
7 MS. MATOIAN: Okay.
8 MS. MCNEILL: Okay.
9 MS. MATOIAN: Let me --
10 MR. BLACKMON: They had me lying on myself. I
11 feel a little bit better now.
12 MS. MATOIAN: That's good.
13 MR. BLACKMON: (Inaudible) a little bit. I didn't
14 (inaudible).
15 MS. MATOIAN: That's good.
16 MR. BLACKMON: I wrote my sister (inaudible.)
17 They told her a bunch of lies.
18 MS. MCNEILL: Oh, okay. Well, I gave them the
19 addresses that you gave me for your sister.
20 MR. BLACKMON: You gave them (inaudible).
21 MS. MCNEILL: And -- and Ann.
22 MR. BLACKMON: (Inaudible.)
23 MS. MCNEILL: I'm sorry, why didn't I go talk
24 to --
25 MR. BLACKMON: No. I said (inaudible) see my

1 sister (inaudible) and they told me a bunch of lies.
2 MS. MCNEILL: Yeah. Well, I'm -- yeah, I'm sorry
3 about that.
4 MR. BLACKMON: I thank you (inaudible).
5 MS. MCNEILL: Huh?
6 MR. BLACKMON: I thank you for that you're doing
7 for me.
8 MS. MCNEILL: Well, I -- you know, I'm happy to
9 help if I can.
10 MR. BLACKMON: Yes, ma'am. 30 years is a lot of
11 time. Damn. That's a long time, ain't it? They said
12 (inaudible) life sentence. They said that 25 to life. All
13 the things that they did (inaudible). Then they sent me --
14 they said your max life sentence.
15 MS. MCNEILL: Well, I think you had been eligible
16 for parole and, you know, unfortunately you haven't gotten
17 -- they haven't granted you parole. So that's why --
18 MR. BLACKMON: So I max -- max sentence
19 (inaudible)?
20 MS. MCNEILL: Huh?
21 MR. BLACKMON: Are the max sentences (inaudible)?
22 MS. MCNEILL: Not automatically. You may or you
23 may not get parole. And you have to stay in until -- on a
24 life sentence, you have to stay in until you get parole.
25 MR. BLACKMON: How long is a life sentence?

1 MS. MCNEILL: It's life, unfortunately.
2 MR. BLACKMON: I got 25 years.
3 MS. MCNEILL: There's -- not -- not under what
4 you're sentenced under. There's -- there's parole
5 eligibility. And then on life sentences, if you don't get
6 parole, then you --
7 MR. BLACKMON: Well, (inaudible).
8 MS. MCNEILL: Huh?
9 MR. BLACKMON: Is (inaudible) eligibility?
10 MS. MCNEILL: I think you are, but I'm not sure,
11 but I believe you are.
12 MR. BLACKMON: Who (inaudible)?
13 MS. MCNEILL: Huh?
14 MR. BLACKMON: Look into that inaudible?
15 MS. MCNEILL: Okay. I will.
16 MR. BLACKMON: That time went by fast.
17 MS. MCNEILL: It went by fast?
18 MR. BLACKMON: Yeah.
19 MS. MCNEILL: So what -- what do you like about
20 Harnett County? What -- what do you like about the camp
21 where you were?
22 MR. BLACKMON: It was all right.
23 MS. MCNEILL: Yeah.
24 MR. BLACKMON: Yeah. I was getting confused when
25 I was there (inaudible) just (inaudible) medication.

1 MS. MCNEILL: Okay. So is that --
2 MR. BLACKMON: (Inaudible.)
3 MS. MCNEILL: -- is that why --
4 MR. BLACKMON: (Inaudible.)
5 MS. MCNEILL: Is that why you got moved to
6 Central, because you were confused?
7 MR. BLACKMON: Yeah. And I suffered from --
8 MS. MCNEILL: Yeah.
9 MR. BLACKMON: Yeah. I think it was (inaudible).
10 MS. MCNEILL: Yeah.
11 MR. BLACKMON: (Inaudible) and everything
12 (inaudible) my sister out for (inaudible).
13 MS. MCNEILL: Oh.
14 MR. BLACKMON: I stayed up there about three of
15 four months, two, three months getting treatment.
16 MS. MCNEILL: Okay.
17 MR. BLACKMON: And it was -- it was bad, too.
18 MS. MCNEILL: Yeah.
19 MR. BLACKMON: I feel much better now.
20 MS. MCNEILL: Well, that --
21 MR. BLACKMON: You know, I'm sick and all
22 (inaudible).
23 MS. MCNEILL: Well, I -- I'm glad you're feeling
24 better.
25 MR. BLACKMON: Yeah. I feel -- my thinking is

1 better, too. My mind feels better.
2 MS. MCNEILL: Good.
3 MR. BLACKMON: Because they had to let the mind
4 (inaudible). All I know is with that medicine (inaudible) I
5 get it, I don't do that no more. I don't -- (inaudible)
6 nobody, I take it by myself.
7 MS. MCNEILL: You take it?
8 MR. BLACKMON: I don't get it, but I take it by
9 myself.
10 MS. MCNEILL: Yeah. Well, that -- that's wise.
11 MS. MATOIAN: They just have to search him once
12 they're -- they get him out of the room, so...
13 MR. BLACKMON: Hey, my girlfriend, she
14 (inaudible), she know when I was working at Black and
15 Decker.
16 FEMALE: You can have -- you can have the
17 (inaudible) --
18 MS. MATOIAN: Okay.
19 FEMALE: -- as soon as he gets finished and I'll
20 bring him around so (inaudible).
21 MS. MATOIAN: Great. Thank you so much.
22 FEMALE: You're welcome.
23 MR. BLACKMON: Me and my girlfriend worked at
24 Black and Decker (inaudible.)
25 MS. MCNEILL: You and Erma Williams working at

1 Black and Decker?
2 MR. BLACKMON: Yeah. She married this guy
3 (inaudible).
4 MS. MCNEILL: Oh, do you -- do you keep in touch
5 with her at all?
6 MR. BLACKMON: No. We won't talking -- talk
7 (inaudible). She don't even (inaudible). That was my girl.
8 She got offended by two (inaudible). I haven't seen her
9 (inaudible).
10 MS. MCNEILL: Oh, okay. Do you know who she
11 married? Do you know her last --
12 MR. BLACKMON: Yeah. She got married to this one
13 guy (inaudible).
14 MS. MCNEILL: Do you know what her -- her last
15 name is?
16 MR. BLACKMON: No, ma'am. Back then her name was
17 Erma Williams. She married a guy called Tim Goldston
18 (phonetic). She's married to the Goldston. She
19 (inaudible).
20 MS. MCNEILL: Okay.
21 MR. BLACKMON: She's married to Tim Goldston.
22 MS. MCNEILL: Okay.
23 MR. BLACKMON: Okay. And I think at the time it
24 was Erma Williams -- (inaudible) Williams.
25 MS. MCNEILL: Okay.

1 MR. BLACKMON: Yeah. She's married to somebody
2 else now.
3 MS. MCNEILL: Okay. Okay.
4 MS. MATOIAN: They just have one more inmate and
5 then we'll go ahead and do the swab.
6 MR. BLACKMON: Yes, ma'am. That's a long damn
7 time, I know that.
8 Hey, somebody told me when that see (inaudible) in
9 that room where the girl got killed at, they said it was a
10 (inaudible), right? Remember?
11 MS. MCNEILL: Yeah. I -- I -- I mean I remember
12 that the dorm had a lot of floors.
13 MR. BLACKMON: But for some reason I was on the
14 third floor.
15 MS. MCNEILL: Huh?
16 MR. BLACKMON: (Inaudible) they didn't take me on
17 the second, they took me on the third floor.
18 MS. MCNEILL: Oh, okay.
19 MR. BLACKMON: (Inaudible.)
20 MS. MCNEILL: Yeah. We -- I know. I know that
21 you were very confused then about everything, so...
22 MS. MATOIAN: So you never remember going to
23 St. Augustine's University?
24 MR. BLACKMON: (Inaudible.) I know the only time
25 that I ever been over there the police took me there. It's

1 still -- it's still vague. I don't know how to get there.
2 I have never been there in my life, never.
3 Hey, at the time, I used to wear turban out there
4 on the streets and -- it's all mixed up.
5 MS. MATOIAN: Did you wear dashiki shirts?
6 MR. BLACKMON: Yes, ma'am. I usually have a
7 uniform that had a cape on it and stuff. (Inaudible.)
8 Yeah. When we took it to court, went to the county jail,
9 had so much room, we had to bring it back. I guess people
10 were getting on them about their uniform and all.
11 (Inaudible), I was looking good. (Inaudible.) I couldn't
12 get back in my uniform no more. I couldn't get back in it
13 no more.
14 MS. MATOIAN: All right. They're ready to do the
15 swab now, so they're going to come get you.
16 MR. BLACKMON: All right.
17 MS. MATOIAN: (Inaudible.)
18 MS. MCNEILL: Can I help you with anything?
19 MS. MATOIAN: If you want to carry that box,
20 that'd be awesome. Thank you.
21 (Pause.)
22 MS. MCNEILL: Who is the hearing (inaudible)?
23 MS. MATOIAN: It's for -- it's not one of my
24 cases, but for another person's case. It's going before the
25 Commission.

1 MS. MCNEILL: Oh, okay.
2 MS. MATOIAN: Where is the box? There's the box.
3 MS. MCNEILL: (Inaudible.) How are you?
4 FEMALE: Good. How are you?
5 MS. MCNEILL: (Inaudible.) Right there?
6 MS. MATOIAN: Yeah. Sorry. (Inaudible.)
7 MS. MCNEILL: Are we -- oh, we're going in. Are
8 they bringing him --
9 MS. MATOIAN: Oh, (inaudible).
10 MS. MCNEILL: Yeah. I was going to say
11 (inaudible.)
12 MS. MATOIAN: (Inaudible.)
13 MS. MCNEILL: You got it? You're putting both of
14 them on?
15 MS. MATOIAN: Huh?
16 MS. MCNEILL: You're going to put both of them on?
17 MS. MATOIAN: Both what?
18 MS. MCNEILL: Swabs.
19 MS. MATOIAN: Yes.
20 MR. BLACKMON: My mouth is a little dry.
21 MS. MCNEILL: That's okay.
22 MR. BLACKMON: Got some water --
23 MS. MCNEILL: It will -- it will work.
24 MR. BLACKMON: All right.
25 MS. MATOIAN: Like I said, Mr. Blackmon, we're

1 just going to get a swab on the inside your cheek.
2 MR. BLACKMON: (Inaudible.)
3 MS. MATOIAN: I'm going to do this one first.
4 Okay. Now this one.
5 MR. BLACKMON: (Inaudible.)
6 MS. MATOIAN: I'm just going to let them dry for a
7 second before we put them in the box.
8 MR. BLACKMON: I've never seen that girl never in
9 my life (inaudible).
10 MS. MATOIAN: All right.
11 MR. BLACKMON: Do I need to sign something?
12 MS. MATOIAN: No, you don't need to sign anything.
13 MR. BLACKMON: Okay then. Are you Italian?
14 MS. MATOIAN: Armenian.
15 MR. BLACKMON: Armenian. Oh, (inaudible). That's
16 over in India somewhere.
17 MS. MATOIAN: It's by Turkey.
18 MR. BLACKMON: Turkey. Yeah, yeah. Armenian.
19 Got a lot of Muslims in (inaudible).
20 MS. MATOIAN: No, it's mostly Christian.
21 MR. BLACKMON: Yeah. Yeah, Christian (inaudible).
22 MALE: Are you all done?
23 MS. MCNEILL: Yes. I think (inaudible).
24 MS. MATOIAN: Yes. We're all done. Thank you so
25 much, Mr. Blackmon.

1 MR. BLACKMON: Okay. Thank you.
2 MS. MATOIAN: I just need to get --
3 MS. MCNEILL: I'll send you a letter.
4 MR. BLACKMON: Yes, ma'am.
5 FEMALE: (Inaudible.)
6 MS. MCNEILL: Throw them away?
7 FEMALE: Uh-huh. Be fine. (Inaudible.)
8 MS. MATOIAN: Sorry. I'm going to stop this tape
9 and I'm done.
10 MS. MCNEILL: Are you going to turn this off?
11 MS. MATOIAN: Yeah.
12 (End of recording.)
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T R A N S C R I P T C E R T I F I C A T E

This is to certify that the foregoing 37 pages of this transcript of the recorded interview of James Blackmon that was taken on May 14, 2014, is a true and accurate transcript to the best of my ability due to the quality of the audio recording presented for transcription.

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

This the 12th day of September 2018.

_____

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Handout 34

4

NORTH CAROLINA
WAKE COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

_____

STATE OF NORTH CAROLINA,

FILE NO. 83 CRS 84695

Plaintiff,

vs.

JAMES BLACKMON,

Defendant.

_____

This is the transcript of the recorded interview taken of James Blackmon which was conducted by Julie Bridenstine from the North Carolina Innocence Inquiry Commission. The recorded interview took place on September 25, 2018.

APPEARANCES:

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

2 MS. TANNER: Good morning.

3 MS. MCNEILL: Beth McNeill.

4 MS. TANNER: I'm Beth Tanner. Hi,

5 nice to meet you.

6 MS. MCNEILL: Nice to meet you as

7 well.

8 MS BRIDENSTINE: Hi, I'm Julie

9 Bridenstine.

10 MS. MCNEILL: Hi, Beth McNeill.

11 MS. BRIDENSTINE: Nice to meet you.

12 MS. MCNEILL: And this is James

13 Blackmon.

14 MS. TANNER: Good morning, Mr.

15 Blackmon.

16 MR. BLACKMON: How are you doing,

17 ma'am? Pretty good.

18 MS. TANNER: May I shake your hand?

19 MR. BLACKMON: Yes, ma'am.

20 MS. TANNER: I'm Beth.

21 MR. BLACKMON: Yeah, thank you.

22 MS. TANNER: Nice to meet you.

23 MS. BRIDENSTINE: Hi, I'm Julie.

24 MR. BLACKMON: Hi, Julie, thank you.

25 MS. BRIDENSTINE: Nice to meet you.

1 MS. TANNER: Now, Mr. Blackmon, I will
2 sit down here because Julie is going to be asking
3 most of the questions, okay?
4 MS. BRIDENSTINE: All right. Let me
5 get set up.
6 MR. BLACKMON: You got your tape
7 control on?
8 MS. BRIDENSTINE: Yeah.
9 MS. TANNER: Yeah. Yes, sir, we did.
10 MS. BRIDENSTINE: We are taping this.
11 MR. BLACKMON: (Indiscernible) give
12 one copy so I can have something to look to
13 verify that you all came -- a copy of whatever
14 you got to do for me, do. I mean, I'd like to
15 have a notary (sic) of it, a copy of it.
16 MS. MCNEILL: If he signed something,
17 a release, he would like to get a copy of what he
18 signs.
19 MS. TANNER: Yes, sir. So if you sign
20 a release or something today, though, I'm not
21 sure that we're planning to do that. I'll
22 double-check with Julie. We can get you, I
23 think, a copy of the release that you've signed.
24 MS. BRIDENSTINE: Yeah, yeah.
25 MS. TANNER: But --

1 MS. BRIDENSTINE: And we can send that
2 to you maybe and --
3 MS. MCNEILL: Sure.
4 MS. TANNER: And facilitate that.
5 MS. MCNEILL: Sure.
6 MS. BRIDENSTINE: All right. And this
7 is my card.
8 MR. BLACKMON: Is this Raleigh?
9 MS. BRIDENSTINE: We are in Raleigh.
10 We're with the North Carolina Innocence Inquiry
11 Commission.
12 MR. BLACKMON: Yeah.
13 MS. BRIDENSTINE: We're investigating
14 your innocence claim. We are a neutral State
15 agency, and what that means is that we do not
16 represent you. This is, you know -- your
17 attorney, Ms. McNeill, she's here to represent
18 you. We do not represent the State. We're not
19 prosecutors. We're just looking for the truth,
20 and so we're here to ask you some questions about
21 your case --
22 MR. BLACKMON: Yeah.
23 MS. BRIDENSTINE: -- go over some
24 things with you. We just ask you to be
25 completely honest with us --

1 MR. BLACKMON: Yes.
2 MS. BRIDENSTINE: -- to tell us
3 everything that you know. If you have any
4 questions, you can ask them. If you don't
5 understand something, please stop me and let me
6 know.
7 MR. BLACKMON: All right.
8 MS. BRIDENSTINE: We don't want you to
9 guess at anything either, so if you don't
10 remember something or you don't know the
11 answer --
12 MR. BLACKMON: Say I don't remember,
13 yeah.
14 MS. BRIDENSTINE: -- just let us know.
15 MR. BLACKMON: All right.
16 MS. BRIDENSTINE: All right? You
17 talked to Catee Matoian about four years ago, so
18 someone with my office came by and spoke to you.
19 MR. BLACKMON: Who's that?
20 MS. BRIDENSTINE: Do you remember a
21 Catee Matoian?
22 MR. BLACKMON: I don't remember that,
23 no.
24 MS. BRIDENSTINE: Okay. She came back
25 in 2014.

1 MR. BLACKMON: No, I don't remember
2 her.
3 MS. BRIDENSTINE: But she also works
4 with our agency and talked to you about your case
5 before. I do have some forms and things to go
6 over with you. And the reason we're asking you
7 to sign these forms is just to see if we can get
8 any information about any income you might have
9 had or disability claims you might have made with
10 the Social Security Administration in both North
11 Carolina and with the federal government, all
12 right. So there are some forms.
13 How are you feeling today?
14 MR. BLACKMON: I'm feeling pretty
15 good.
16 MS. BRIDENSTINE: Okay. Are you
17 taking any medication currently?
18 MR. BLACKMON: Yes, I am, yeah.
19 MS. BRIDENSTINE: What are you taking?
20 MR. BLACKMON: I don't know the name
21 of it. I know it's about 13 pills. I know it's
22 a whole lot of it, I know that.
23 MS. BRIDENSTINE: You take 13 pills a
24 day?
25 MR. BLACKMON: A day, yeah, 13 pills a

1 day and about five or six at night. And then
2 they medication me down. That's too much
3 medicine.
4 MS. BRIDENSTINE: All right. How do
5 they make you feel?
6 MR. BLACKMON: Some make me feel
7 drowsy. Some had me hearing voices, but I don't
8 be talking to the voices, though. That's about
9 it.
10 MS. BRIDENSTINE: Okay.
11 MR. BLACKMON: And then sometimes
12 you're hallucinating a little bit, too, off the
13 medication.
14 MS. BRIDENSTINE: Okay. Are you
15 hearing any voices right now?
16 MR. BLACKMON: No. I don't hear
17 nothing now. It's only when I'm in my room when
18 it's quiet and silent.
19 MS. BRIDENSTINE: Okay. Okay.
20 MR. BLACKMON: I hear them, but I
21 don't talk to them, though.
22 MS. BRIDENSTINE: All right. Are any
23 of the medications that you're taking, do you
24 think they affect your memory of things?
25 MR. BLACKMON: Yeah. I believe --

1 yeah, a little bit, yeah, a little bit they do,
2 yeah.
3 MS. BRIDENSTINE: What --
4 MR. BLACKMON: I have medication
5 called a psyche medication.
6 MS. BRIDENSTINE: Uh-huh.
7 MR. BLACKMON: And that's something
8 that makes me hearing voices and stuff.
9 MS. BRIDENSTINE: Okay. All right.
10 Let's go over the forms first.
11 MS. TANNER: Yes.
12 MS. BRIDENSTINE: All right.
13 MR. BLACKMON: Did that storm come
14 down your way?
15 MS. TANNER: It did a little bit.
16 MS. BRIDENSTINE: It did, but probably
17 not as much as it did here.
18 MR. BLACKMON: Yeah. About like
19 (indiscernible) How much water about?
20 MS. BRIDENSTINE: Where I live?
21 MR. BLACKMON: Yeah.
22 MS. BRIDENSTINE: Which is Chatham
23 County, which is, you know, 40 minutes away from
24 Raleigh, it was okay, but Monday we had some
25 flooding.

1 MR. BLACKMON: Oh, through the houses
2 and stuff (indiscernible)? It wasn't that bad,
3 huh?
4 MS. BRIDENSTINE: No. Some of the
5 creeks got too high.
6 MR. BLACKMON: Oh, they got too
7 everything going down lower.
8 MS. TANNER: Yes. Everything is --
9 MR. BLACKMON: They've cleared up,
10 yeah.
11 MS. BRIDENSTINE: Yeah, yeah. What
12 about here? How did you guys do here?
13 MR. BLACKMON: We didn't get nothing
14 here.
15 MS. BRIDENSTINE: No? Okay.
16 MS. TANNER: That's good.
17 MR. BLACKMON: (Indiscernible) drown.
18 MS. BRIDENSTINE: Yeah. Well, they
19 were thinking it was going to hit here pretty
20 hard.
21 MR. BLACKMON: Yeah, but now it
22 didn't, though.
23 MS. BRIDENSTINE: All right. This
24 form is for -- it's going to the North Carolina
25 Department of Commerce, Division of Employment

1 Security. It's just to ask for any employment
2 information that you might have. It may not be
3 able to go back to the time period of this case.
4 MR. BLACKMON: Yeah.
5 MS. BRIDENSTINE: I don't think that
6 it will, but we're going to try just to say that
7 we made efforts to do that. I can fill this out
8 later, but we're just going to have -- we're
9 going to put your information here, and then the
10 request for signature, just need to sign it here
11 and then the date, and I think that one should be
12 fine. So --
13 MS. TANNER: So this is an example of
14 a form that when you sign it, we get it all
15 filled out --
16 MR. BLACKMON: Yeah.
17 MS. TANNER: -- we'll give a copy to
18 Ms. McNeill and then she can give you a copy,
19 okay?
20 MR. BLACKMON: Where do I sign it?
21 Right here?
22 MS. BRIDENSTINE: Sign right there.
23 Yes.
24 (PAUSE)
25 MS. BRIDENSTINE: All right. And I

1 can date it for you, actually.
2 MS. BRIDENSTINE: Just look at those
3 and just make sure you've got everything.
4 MS. MCNEILL: All right. And then
5 this one --
6 MR. BLACKMON: Why did it take so long
7 to get people out of the penitentiary when they
8 can't find you guilty?
9 MS. BRIDENSTINE: Why what?
10 MR. BLACKMON: Why did it take so long
11 to getting you out of the penitentiary when they
12 can't find him guilty?
13 MS. BRIDENSTINE: Find --
14 MR. BLACKMON: Find -- why did it take
15 so long to get someone out of the penitentiary
16 when they can't find (indiscernible)?
17 MS. BRIDENSTINE: Oh. Well, you know,
18 our agency, we're the only one in the country,
19 and we started -- I think we were finally first
20 operational in 2008, but post-conviction cases
21 can take a long time to investigation.
22 MR. BLACKMON: But mine can take about
23 a year or something?
24 MS. BRIDENSTINE: About what?
25 MR. BLACKMON: About a year

1 investigating --
2 MS. MCNEILL: I think he -- I think,
3 Mr. Blackmon, we were discussing earlier a little
4 bit about the process --
5 MS. TANNER: Sure.
6 MS. MCNEILL: -- and how long it
7 takes. And I know that we're going to the -- you
8 all are presenting before the Commission in early
9 November.
10 MS. TANNER: Yes.
11 MS. MCNEILL: And then kind of maybe
12 what happens, how long it takes to get a decision
13 and --
14 MS. BRIDENSTINE: Oh, how long --
15 MS. MCNEILL: Yeah.
16 MS. TANNER: So usually in the
17 hearing, so we can have cases open for
18 investigation. That's kind of what we're doing
19 right now and coming to talk to you and some
20 other folks. That can take years, but now your
21 case is scheduled for a hearing in front of what
22 we would call the full Commission, so we just
23 work for the Commission. We're just the staff
24 people. We go do the work, but the Commissioners
25 are the people who listen to your case.

1 MR. BLACKMON: What do I do? I will
2 see them, though, and talk to them?
3 MS. TANNER: You will get a chance to
4 talk to them. You don't sit through the whole
5 hearing, so it's different than court. You don't
6 sit through the whole hearing because we're
7 neutral. We don't -- you know, it's not an
8 argument. It's just a presentation. And yours
9 is set for November 14th, 15th, and 16th, right
10 before Thanksgiving.
11 MR. BLACKMON: What's the month today?
12 What month is it today?
13 MS. TANNER: So it would be a
14 Wednesday, Thursday and Friday, okay.
15 MR. BLACKMON: Oh.
16 MS. TANNER: And we are sending Ms.
17 McNeill, but she'll have a conference about the
18 case right before it goes --
19 MR. BLACKMON: Oh.
20 MS. TANNER: -- so it hasn't happened
21 yet, okay.
22 MR. BLACKMON: Oh, uh-huh.
23 MS. TANNER: And then we'll let her
24 know about which of those days we'll call you to
25 come and talk to the commissioners, okay?

1 MR. BLACKMON: Yeah.
2 MS. TANNER: And --
3 MR. BLACKMON: I mean, will it be here
4 or I have to go to Raleigh?
5 MS. TANNER: We'll probably have to --
6 you'll probably going up to Raleigh, but we just
7 don't know yet. Sometimes we do it by video
8 conference. Most of the times with the claimant
9 we bring them if they can be moved, okay?
10 MR. BLACKMON: Okay.
11 MS. TANNER: But now there's some
12 details with that that just aren't ready yet, but
13 we will be talking with your lawyer about that,
14 okay, and how that would look for you.
15 At the hearing, they hear all kinds of
16 evidence. You won't get to see all the things
17 that they hear. And then after they usually do
18 the deliberations right at the end of the
19 hearing.
20 MR. BLACKMON: Excuse me. I've been
21 trying to get my transcript.
22 MS. TANNER: For?
23 MR. BLACKMON: My regular transcript
24 was that long back then, but they cut it down and
25 made a little, small transcript, not even

1 (indiscernible) nothing. And my real papers
2 today they destroyed them. And my papers from my
3 last time (indiscernible)on the form that they
4 wrote out for me, they said "We destroyed all
5 your property." That's on the form.
6 MS. TANNER: So I think -- I don't
7 know exactly which ones you're talking about, but
8 we have a copy of documents that you had
9 provided, and we have independent power to go get
10 some things and collect some things, so I don't
11 want you to worry about that.
12 MR. BLACKMON: But I'm saying on my
13 original paperwork back in the days --
14 MS. TANNER: Right.
15 MR. BLACKMON: -- they did -- they
16 throwed (sic) all that away.
17 MS. TANNER: Okay.
18 MS. MCNEILL: They may have --
19 sometimes when you have too much stuff, sometimes
20 for storage reasons --
21 MR. BLACKMON: I thought that was only
22 when you're dead and gone.
23 MS. MCNEILL: Well, but we have
24 things. I think they may -- it may be that they
25 took your copies that you had with you due to

1 storage. That doesn't mean that we haven't been
2 able to find some of the documents.
3 MR. BLACKMON: But I'm saying my first
4 document -- let me explain, when I first got
5 locked up --
6 MS. MCNEILL: Uh-huh.
7 MR. BLACKMON: -- my transcript was
8 like that.
9 MS. MCNEILL: Okay.
10 MR. BLACKMON: And they said -- and on
11 the other transcript they (indiscernible) like
12 that there with a whole lot of lines and stuff, a
13 little transcript they gave me like that.
14 MS. BRIDENSTINE: Okay.
15 MR. BLACKMON: But my vision of the
16 document transcript was over 36 years. See what
17 I'm saying.
18 MS. MCNEILL: Uh-huh.
19 MR. BLACKMON: (Indiscernible) they
20 took (indiscernible) and made a little, small
21 document (indiscernible) and then they gave that
22 to me for my records.
23 MS. TANNER: Okay. So I think that's
24 definitely something with Ms. McNeill if you want
25 to talk about. So DPS -- so the prison sometimes

1 will say you can't keep it, but let me ask you --
2 you can have all of your --
3 MR. BLACKMON: You can have all
4 (indiscernible).
5 MS. BRIDENSTINE: Okay.
6 MS. TANNER: Okay.
7 MR. BLACKMON: Everything they did
8 (indiscernible) documents.
9 MS. TANNER: And when you had that big
10 pile --
11 MR. BLACKMON: Yeah.
12 MS. TANNER: -- what was that made up
13 of?
14 MR. BLACKMON: Me going to court with
15 the different -- I had Judge, what was his name,
16 Judge Madison --
17 MS. TANNER: Uh-huh.
18 MR. BLACKMON: -- I mean Lawyer
19 Madison and Tom -- no, Tom Madison, he was one.
20 MS. TANNER: Right.
21 MR. BLACKMON: And the other -- I had
22 two lawyers.
23 MS. TANNER: Okay.
24 MS. BRIDENSTINE: Thomas Manning.
25 MR. BLACKMON: And another one.

1 MS. TANNER: Okay.
2 MS. BRIDENSTINE: All right, right.
3 MR. BLACKMON: It was him and another
4 one. I had two lawyers because one left my case
5 and the other one took it over.
6 MS. BRIDENSTINE: Yes.
7 MS. TANNER: We have their names.
8 MS. BRIDENSTINE: Uh-huh.
9 MR. BLACKMON: But I'm saying, but my
10 regular transcript talks about what's going on
11 now.
12 MS. TANNER: Okay.
13 MR. BLACKMON: And they destroyed all
14 that stuff.
15 MS. TANNER: Okay.
16 MR. BLACKMON: Even a little, small
17 transcript they made of it, right, they said "We
18 destroyed all your property. It can't -- by law,
19 they can't do that.
20 MS. MCNEILL: Okay.
21 MS. TANNER: Okay. The prison is what
22 you're saying; is that who destroyed it?
23 MR. BLACKMON: No.
24 MS. TANNER: Who destroyed it?
25 MR. BLACKMON: I'm saying the prison

1 up there in Raleigh.
2 MS. TANNER: Okay.
3 MR. BLACKMON: The officers and
4 everything, they got a reward to try to put that
5 charge on me.
6 MS. TANNER: Okay.
7 MR. BLACKMON: They moved them up.
8 MS. TANNER: Okay. So your file was
9 made up of court papers that you had collected?
10 MR. BLACKMON: Yeah, over the years.
11 Out of 32 years, 36 years, (indiscernible) small
12 contract like that, 33 years, 36 years. My case
13 was like that there.
14 MS. TANNER: Okay.
15 MR. BLACKMON: And it was going
16 (indiscernible). They didn't want nobody to know
17 what was going on, so they said they destroyed
18 everything.
19 MS. TANNER: Okay. And so when you
20 say "they," who do you mean destroyed everything?
21 MR. BLACKMON: I'm saying up there in
22 Raleigh.
23 MS. TANNER: Okay.
24 MR. BLACKMON: The police is the one
25 that wrote that -- filed the paper saying I did

1 what I did in a little transcription like that
2 there, but my original transcription like that
3 there.
4 MS. TANNER: Okay.
5 MS. BRIDENSTINE: Mr. Blackmon, we're
6 taking everything down today --
7 MR. BLACKMON: Okay.
8 MS. BRIDENSTINE: -- and this will be
9 made into a transcript, so your concerns will be
10 made part of what we talk about today.
11 MR. BLACKMON: Okay. Yes.
12 MS. BRIDENSTINE: Okay.
13 MR. BLACKMON: I'll be quiet now,
14 yeah.
15 MS. BRIDENSTINE: No, no. We're not
16 saying that. I'm just letting you know that now
17 that you've told us we are aware that --
18 MR. BLACKMON: Yeah.
19 MS. BRIDENSTINE: -- that's a concern.
20 MS. TANNER: You have that concern.
21 MR. BLACKMON: Because I had Tom
22 Madison for a lawyer, then I had -- after he got
23 out, okay, then another lawyer took my case.
24 MS. BRIDENSTINE: For the appeal?
25 MR. BLACKMON: Oh, yeah, yeah.

1 MS. BRIDENSTINE: Your first attorney
2 was --
3 MR. BLACKMON: Frank Jackson.
4 MS. BRIDENSTINE: Yeah, Franklin
5 Jackson.
6 MR. BLACKMON: Frank Jackson and Tom,
7 they was the two.
8 MS. TANNER: Uh-huh.
9 MS. BRIDENSTINE: Yeah.
10 MR. BLACKMON: Frank Jackson, he was
11 the one that stopped all my case, right? Did he
12 get off the case and someone took over?
13 MS. BRIDENSTINE: Thomas Manning, I
14 believe, did your initial appeal, but I'm not
15 positive.
16 MR. BLACKMON: Yeah.
17 MS. BRIDENSTINE: I would have to go
18 back and look --
19 MR. BLACKMON: Yeah.
20 MS. BRIDENSTINE: -- but he definitely
21 handled your case through the plea.
22 MR. BLACKMON: Yeah. And then they
23 took him out, then someone else took his place,
24 then they had me go for the court. It took me
25 around five times to get me to plead guilty to

1 something I did not even do.
2 MS. BRIDENSTINE: Okay.
3 MR. BLACKMON: Five times.
4 MS. BRIDENSTINE: We're going to try
5 and cover everything including all of your
6 concerns. And I do want to talk to you
7 about your plea a little bit later.
8 MR. BLACKMON: Yeah.
9 MS. BRIDENSTINE: Okay. But if we
10 don't get to it, remind me and we'll go
11 back to it later and talk about your plea.
12 MR. BLACKMON: Okay.
13 MS. BRIDENSTINE: Okay?
14 MR. BLACKMON: Yeah.
15 MS. BRIDENSTINE: This form -- because
16 I want to make sure we get these things
17 done. We have time, so we can go over
18 everything --
19 MR. BLACKMON: Yeah.
20 MS. BRIDENSTINE: -- that you need to
21 say to us. So this is the Social Security
22 Administration form. We had filled out and
23 requested information. We're doing it
24 again because we're not convinced that they
25 necessarily gave us all the information

1 that they had, so we're going to try again
2 and get more information.
3 MR. BLACKMON: Uh-huh.
4 MS. BRIDENSTINE: And with this one,
5 you just need to sign it here, so right
6 here, right there.
7 MR. BLACKMON: All right. Sign it
8 right there?
9 MS. BRIDENSTINE: Next to -- yeah,
10 right there, that first line there.
11 (PAUSE)
12 MS. TANNER: I'm going to just sign
13 this witness form?
14 MS. BRIDENSTINE: Okay. It's the
15 25th.
16 MR. BLACKMON: There you go, Miss.
17 MS. BRIDENSTINE: All right, thank
18 you. All right, this last one is just to
19 see if you ever have social security
20 earnings information, so any time that you
21 worked and your employer paid taxes, it
22 would be documented. We're just trying to
23 see what your work history is in general.
24 MR. BLACKMON: I was getting social
25 security paid when I was in Binghamton, New

1 York. I was in the hospital, you know --
2 MS. BRIDENSTINE: Okay.
3 MR. BLACKMON: -- (indiscernible), you
4 know.
5 MS. BRIDENSTINE: Okay. And we're
6 going to ask you some of that later, but
7 that's good information to know.
8 This one, you just need to sign it --
9 I'll show you, sign it right here.
10 (PAUSE)
11 MS. BRIDENSTINE: All right, thank
12 you. It doesn't look like on this --
13 MS. TANNER: This one's good. We're
14 good.
15 MS. BRIDENSTINE: All right. The next
16 thing I want to do is just show you --
17 MR. BLACKMON: Is that my picture in
18 there?
19 MS. BRIDENSTINE: Well, I'm going to
20 show you some photos and I'll see if you
21 recognize -- so I'm going to show you this
22 photo first. Do you recognize that?
23 MR. BLACKMON: Who in the hell is
24 that?
25 MS. BRIDENSTINE: Do you know who that

is?

MR. BLACKMON: No.

MS. TANNER: Okay.

MS. BRIDENSTINE: All right.

MR. BLACKMON: I don't know him. I've never seen him in my life.

MS. TANNER: We're going to mark this one as Exhibit 1.

MS. BRIDENSTINE: Yeah.

MR. BLACKMON: Never seen him in my life. Yeah, I never just looked like that neither.

MS. TANNER: Okay.

MS. BRIDENSTINE: All right. This is a copy, but this is a better version of this.

MR. BLACKMON: Yeah.

MS. BRIDENSTINE: I just want you to take a look at this. Do you recognize this photo?

MR. BLACKMON: No. That's not -- I don't know him neither in my life. I never seen that -- I never wore no clothes like that.

MS. TANNER: Okay. We're going to

1 mark this one as Exhibit 2.
2 MS. BRIDENSTINE: I'm actually going
3 to mark the copy just because this is the
4 original. Okay. All right.
5 MR. BLACKMON: That's all the
6 pictures?
7 MS. BRIDENSTINE: We might have some
8 stuff a little bit later, but that's it for
9 right now.
10 MR. BLACKMON: Who's that supposed to
11 be, though?
12 MS. BRIDENSTINE: So this is part of
13 our investigation. We just wanted to see
14 if you recognized those.
15 MR. BLACKMON: No. I never seen them
16 a day in my life.
17 MS. BRIDENSTINE: Okay. All right.
18 MR. BLACKMON: I used to wear turbans
19 on my head when I was on the streets and
20 garments. I didn't wear no clothes like
21 that.
22 MS. BRIDENSTINE: What kind of clothes
23 did you wear?
24 MR. BLACKMON: Islamic clothes like a
25 turban around my head, yeah. Islamic

1 garments.
2 MS. BRIDENSTINE: What did the
3 garments look like?
4 MR. BLACKMON: Like dresses that men
5 wear in the Islamic country, like the
6 garments that they wear, long garments.
7 MS. BRIDENSTINE: Can you describe
8 line one that you've worn, color, what it
9 looked like?
10 MR. BLACKMON: I had some green
11 elephant pants. At the bottom they --
12 every time they big (indiscernible) like
13 that, right? I used to wear turbans, but I
14 never did wear no dashiki, though.
15 MS. BRIDENSTINE: Okay.
16 MR. BLACKMON: Black sometimes, black
17 or white.
18 MS. BRIDENSTINE: You used to wear
19 what black or white?
20 MR. BLACKMON: Black or white turbans
21 that you wrap around your head.
22 MS. BRIDENSTINE: Okay. What did your
23 shirts look like?
24 MR. BLACKMON: Let's see, I had like
25 one little dashiki. It was like the color

of the floor, right, color of the floor, and it had splits in it, and that's about it.

MS. BRIDENSTINE: What color was the floor?

MR. BLACKMON: The same color as the floor here.

MS. BRIDENSTINE: Okay, so like a cream?

MR. BLACKMON: Cream, yeah, yeah.

MS. BRIDENSTINE: All right. And what did the dashiki look like to you?

MR. BLACKMON: Huh?

MS. BRIDENSTINE: What did the dashiki look like?

MR. BLACKMON: Just that color. You know how -- you ever seen a dashiki?

MS. BRIDENSTINE: Well, why don't you tell me what it looks like because I'm not always sure.

MR. BLACKMON: What I'm saying, it's the color, the cream of this floor --

MS. BRIDENSTINE: Uh-huh.

MR. BLACKMON: The whole shirt is. It looked like a garment with a split in the

1 middle, and I used to wear like white long
2 garment clothes, too.
3 MS. BRIDENSTINE: Okay.
4 MR. BLACKMON: Yeah. That was about
5 it.
6 MS. BRIDENSTINE: All right. Okay.
7 And when did you wear outfits like this?
8 MR. BLACKMON: Ever since I've been in
9 Raleigh I've been wearing outfits like
10 that.
11 MS. BRIDENSTINE: What did you wear in
12 New York?
13 MR. BLACKMON: Garments and turbans
14 and stuff.
15 MS. BRIDENSTINE: Was it the same or
16 different?
17 MR. BLACKMON: It was different a
18 little bit, different.
19 MS. BRIDENSTINE: What did it look
20 like there?
21 MR. BLACKMON: It had like different
22 colors to it, like red, black, green, and
23 designs and stuff. That was about it.
24 MS. BRIDENSTINE: Was the shirt the
25 same or different?

1 MR. BLACKMON: It was different,
2 different colors.
3 MS. BRIDENSTINE: Okay. Was the style
4 the same?
5 MR. BLACKMON: The style was the same,
6 yeah. The style was different.
7 MS. BRIDENSTINE: And what did your
8 turban look like?
9 MR. BLACKMON: Black or white. Had a
10 giraffe around the center, wear black and
11 sometimes I wore a white one.
12 MS. BRIDENSTINE: How often did you
13 wear a turban?
14 MR. BLACKMON: Every -- since I've
15 been in Raleigh. When I was with my old
16 lady I always had one on.
17 MS. BRIDENSTINE: All right. Now, I
18 understand that you grew up in New York.
19 MR. BLACKMON: Uh-huh.
20 MS. BRIDENSTINE: When did you move
21 there?
22 MR. BLACKMON: I don't know. My mama
23 came and got me when I was about 15, 14
24 years old and took us upstate New York.
25 MS. BRIDENSTINE: Okay. Where in New

1 York did you guys live?
2 MR. BLACKMON: Syracuse.
3 MS. BRIDENSTINE: I understand that
4 you served a prison sentence in Attica?
5 MR. BLACKMON: Yeah.
6 MS. BRIDENSTINE: What was that case
7 for?
8 MR. BLACKMON: Armed robbery.
9 MS. BRIDENSTINE: What happened?
10 MR. BLACKMON: Just needed some money
11 that day and we just went out robbing,
12 sticking up people.
13 MS. BRIDENSTINE: Okay. How old were
14 you when that happened?
15 MR. BLACKMON: I was about 18.
16 MS. BRIDENSTINE: When you got out of
17 prison from that case in Attica, where did
18 you go?
19 MR. BLACKMON: I went to Binghamton,
20 New York.
21 MS. BRIDENSTINE: Why did you go
22 there?
23 MR. BLACKMON: Because I was trying to
24 make a new plan to start my life, and a
25 friend, he was an independent

1 (indiscernible), he told me about I can get
2 myself together, so I went there and got
3 things together.
4 MS. BRIDENSTINE: Who told you what?
5 Sorry, I didn't catch that last part.
6 MR. BLACKMON: A friend of mine that
7 was locked up in Attica with me in prison,
8 right, I didn't have nowhere to go, so he
9 told me that I could go and live with his
10 friend. I went there and I lived with his
11 friend, then I got a little job, then I got
12 a little sick and I went to the hospital.
13 MS. BRIDENSTINE: Okay. Which friend?
14 What was your friend's name?
15 MR. BLACKMON: His name was -- I can't
16 think of his name. It was a long time ago,
17 though.
18 MS. BRIDENSTINE: Is it someone that
19 you had known before you went Attica?
20 MR. BLACKMON: No. I met him while I
21 was there.
22 MS. BRIDENSTINE: So you met a friend
23 in Attica and moved to Binghamton with him
24 after you got out?
25 MR. BLACKMON: Not -- when I got out,

1 yeah. He set me up with one of his friends
2 because I had nowhere to go.
3 MS. BRIDENSTINE: I see, okay.
4 MR. BLACKMON: Then I moved in with
5 him and everything. We lovey-dovey since
6 then.
7 MS. BRIDENSTINE: Did you know anyone
8 who was living in Binghamton at that time?
9 MR. BLACKMON: No. My buddy's friend
10 that I was staying with, only him and his
11 old lady.
12 MS. BRIDENSTINE: All right.
13 MR. BLACKMON: That was about it.
14 MS. BRIDENSTINE: You mentioned going
15 to a hospital in Binghamton?
16 MR. BLACKMON: Yeah. I went there
17 because I got a little sick. I wasn't
18 taking my medication.
19 MS. BRIDENSTINE: What was the
20 medication for?
21 MR. BLACKMON: My nerves and
22 conditions and that's about it.
23 MS. BRIDENSTINE: How long were you at
24 the hospital?
25 MR. BLACKMON: At Binghamton?

1 MS. BRIDENSTINE: Uh-huh.
2 MR. BLACKMON: I'd say about eight
3 months, I believe, no lesser than that.
4 MS. BRIDENSTINE: What happened when
5 you got out of the hospital, where did you
6 go?
7 MR. BLACKMON: I got my own apartment.
8 They helped me get my own apartment, get
9 myself established, then they had me on
10 payroll.
11 MS. BRIDENSTINE: Were you working?
12 MR. BLACKMON: No, not then.
13 MS. BRIDENSTINE: All right. And where
14 was this apartment?
15 MR. BLACKMON: Hm?
16 MS. BRIDENSTINE: Where was this
17 apartment? In Binghamton, where was the
18 apartment?
19 MR. BLACKMON: I don't know where the
20 apartment -- I can't even remember the
21 street number (indiscernible) or nothing.
22 I just know that I went there to live with
23 him when I got out of the prison. That's
24 all I know.
25 MS. BRIDENSTINE: After the hospital,

1 where did you go?
2 MR. BLACKMON: Got my own apartment
3 then.
4 MS. BRIDENSTINE: How long were you in
5 that apartment?
6 MR. BLACKMON: For a good while,
7 couple years.
8 MS. BRIDENSTINE: Okay. Did you live
9 with anyone there?
10 MR. BLACKMON: I stayed by myself until
11 I got together with my girlfriend and she
12 came and she started living with me. We had
13 a place together, living together.
14 MS. BRIDENSTINE: What was her name?
15 MR. BLACKMON: Her name was Peggy
16 Labarr.
17 MS. BRIDENSTINE: Peggy Labarr, okay.
18 When did you leave Binghamton?
19 MR. BLACKMON: Let me see. It's been
20 a good while. I can't remember, though.
21 It's been a good while.
22 MS. BRIDENSTINE: When you were in New
23 York and Binghamton, were you there pretty
24 -- the -- from 1974 after Attica, were you
25 there for several years?

1 MR. BLACKMON: Yeah. I left Attica,
2 then I went there. By the time it was over
3 -- it was time for me to get out.
4 MS. BRIDENSTINE: The time that you
5 were living there in Binghamton, did you
6 ever come down to North Carolina?
7 MR. BLACKMON: No -- yeah, I did. I
8 did.
9 MS. BRIDENSTINE: Where did you go?
10 MR. BLACKMON: Lumberton.
11 MS. BRIDENSTINE: Who's in Lumberton?
12 MR. BLACKMON: My -- it was my
13 grandmamma -- my mama, all the people.
14 They're all dead now.
15 MS. BRIDENSTINE: When did you go to
16 Lumberton?
17 MR. BLACKMON: It's been a long time.
18 I don't know all the questions, a long
19 time. Can't remember.
20 MS. BRIDENSTINE: When you were in
21 Binghamton and you came down to Lumberton,
22 do you remember how many times you came
23 down?
24 MR. BLACKMON: Just one time, and I
25 stayed. I come down was one time and

1 didn't come down no more. I stayed.
2 MS. BRIDENSTINE: Okay.
3 MR. BLACKMON: Because my mama, she
4 was blind. Grandma, she was getting old.
5 MS. BRIDENSTINE: When you came down
6 to Lumberton and you stayed, what do you
7 mean by that?
8 MR. BLACKMON: What's that?
9 MS. BRIDENSTINE: Did you leave
10 Lumberton after that?
11 MR. BLACKMON: Lumberton?
12 MS. BRIDENSTINE: Uh-huh.
13 MR. BLACKMON: Yeah, for a little
14 while, then came up to Raleigh, went to
15 Raleigh. I got busted with the charge.
16 They sent me to Central Prison, sent me to
17 prison (indiscernible) into the streets
18 with this girl I met, then we were living
19 together.
20 MS. BRIDENSTINE: So when you were in
21 Binghamton, did you ever come down and
22 visit your family in Lumberton?
23 MR. BLACKMON: No. I left there and
24 came down to stay.
25 MS. BRIDENSTINE: Okay. Did you go

1 anywhere in between Binghamton and
2 Lumberton?
3 MR. BLACKMON: No. No. I just left
4 Binghamton and came down south just here
5 until my mama deceased. They deceased
6 since I've been locked up, though.
7 MS. BRIDENSTINE: Right, right. We
8 did know that. I'm sorry about that.
9 MR. BLACKMON: Yeah.
10 MS. BRIDENSTINE: When you came down
11 to Lumberton, how did you get there?
12 MR. BLACKMON: By a damn car, by bus.
13 MS. BRIDENSTINE: Do you remember?
14 MR. BLACKMON: No, I don't -- I
15 remember it was by bus.
16 MS. BRIDENSTINE: Okay. Do you
17 remember where the bus went?
18 MR. BLACKMON: At the bus station
19 where they dropped off all the people.
20 That's where it went.
21 MS. BRIDENSTINE: Okay.
22 MR. BLACKMON: The bus (indiscernible)
23 that way, you know. They got a loading
24 spot and pickup spot, too, you know.
25 MS. BRIDENSTINE: How did you -- did

1 you have money to take the bus?
2 MR. BLACKMON: Yeah. I had a little
3 bit of money, yeah.
4 MS. BRIDENSTINE: Where did you get
5 the money from?
6 MR. BLACKMON: I had my social
7 security that had been given to me, paying
8 me for my sickness and stuff at the
9 hospital.
10 MS. BRIDENSTINE: Do you remember how
11 much you got from that?
12 MR. BLACKMON: No. I can't remember.
13 I knew it was a little sum, though. I know
14 that.
15 MS. BRIDENSTINE: So is that -- how
16 many times have you collected income?
17 MR. BLACKMON: Welfare?
18 MS. BRIDENSTINE: Yeah.
19 MR. BLACKMON: It's been about -- let
20 me see. I was getting it upstate New York,
21 but when I came, then they would just sign
22 back and forth, so you know, it's been a
23 long time.
24 MS. BRIDENSTINE: Was New York the only
25 place where you got any sort of income from

1 the government?
2 MR. BLACKMON: Yeah, yeah, yeah.
3 MS. BRIDENSTINE: Did you ever go to
4 Florida?
5 MR. BLACKMON: Oh, yeah, a long time
6 ago, yeah. I went there. And then all
7 this whole thing started and then they lied
8 about that, too.
9 MS. BRIDENSTINE: What do you mean by
10 that?
11 MR. BLACKMON: When I was in Florida,
12 I left my girl and I went to Florida, tried
13 to get with my people (indiscernible) up
14 there, so they turned and sent me back.
15 Then they turned me and sent me back. I
16 left there, then I came back to Raleigh to
17 get with my lady. That was about it.
18 MS. BRIDENSTINE: Do you remember when
19 that was?
20 MR. BLACKMON: It's been a long time,
21 real, real long time, I don't remember
22 nothing.
23 MS. BRIDENSTINE: Other than Florida,
24 have you been anywhere else?
25 MR. BLACKMON: No. That's about it.

1 MS. BRIDENSTINE: Have you ever been
2 to Atlanta? Have you ever been to Atlanta?
3 MR. BLACKMON: Oh, yeah, yeah, yeah,
4 Atlanta, yeah. I've been there, yeah.
5 MS. BRIDENSTINE: When did you go to
6 Atlanta?
7 MR. BLACKMON: I don't know. I know I
8 stayed there one day and got the hell back,
9 called my lady, and came back to Raleigh.
10 That was about it.
11 MS. BRIDENSTINE: Do you remember when
12 you went to Atlanta?
13 MR. BLACKMON: No. That was a long
14 time. I don't remember nothing, a long
15 time ago.
16 MS. BRIDENSTINE: Do you remember how
17 long you were there for?
18 MR. BLACKMON: Where?
19 MS. BRIDENSTINE: In Atlanta.
20 MR. BLACKMON: I'd say about two or
21 three days.
22 MS. BRIDENSTINE: Back when you were
23 living in Binghamton --
24 MR. BLACKMON: Uh-huh.
25 MS. BRIDENSTINE: -- and back in the

1970s, did you know anyone who lived in Raleigh?

MR. BLACKMON: No, I didn't know nobody then.

MS. BRIDENSTINE: Did you have any friends or relatives who lived in Raleigh?

MR. BLACKMON: No. I made all my friends in Raleigh when I was in -- up there at the hospital at Dorothea Dix.

MS. BRIDENSTINE: When was the first time you came to Raleigh?

MR. BLACKMON: I don't even know that neither, a long time ago, too. I only remember half of the questions. It's been a long time.

MS. TANNER: Was it cold when you came to Raleigh?

MR. BLACKMON: No, it wasn't, no. It was warm.

MS. TANNER: It was warm?

MR. BLACKMON: Yeah.

MS. TANNER: Okay. And tell me about Ms. Labarr, was she your girl in New York?

MR. BLACKMON: My girl, she's my girlfriend, yeah.

1 MS. TANNER: Okay. And when -- did
2 she live with you in your apartment in
3 Binghamton?
4 MR. BLACKMON: Yeah, yeah, we lived
5 together, yeah.
6 MS. TANNER: Okay. And did you move
7 anywhere with her?
8 MR. BLACKMON: That came up, my room,
9 she found an apartment, I was forced to
10 live in there. I moved in there with her.
11 MS. TANNER: Okay. And did you all
12 break up?
13 MR. BLACKMON: Not really. I left
14 there because I was getting homesick.
15 MS. TANNER: Right. And when you left
16 her, where did you go?
17 MR. BLACKMON: I came to North
18 Carolina.
19 MS. TANNER: Okay.
20 MR. BLACKMON: Get my mama, get my
21 grandmother and my mother.
22 MS. TANNER: Okay. And is that when
23 it was warm?
24 MR. BLACKMON: Yeah. It was cold --
25 real hot.

1 MS. TANNER: It was -- tell me again.
2 MR. BLACKMON: It was real hot, not
3 cold.
4 MS. TANNER: It was real hot, not cold
5 when you came to North Carolina?
6 MR. BLACKMON: Uh-huh.
7 MS. TANNER: Okay. And where did you
8 -- did you stay in North Carolina after
9 that?
10 MR. BLACKMON: Yeah. I stayed with my
11 grandmother, my mama here.
12 MS. TANNER: Okay. Can you help us
13 understand about your time in Florida and
14 how that fits with Ms. Labarr?
15 MR. BLACKMON: Well, Ms. Labarr, she's
16 from Binghamton.
17 MS. TANNER: She's from Binghamton?
18 MR. BLACKMON: Yeah.
19 MS. TANNER: Did you go to Florida
20 while you were still with her or after you
21 left her?
22 MR. BLACKMON: After I left her and
23 came down here, then I went to Florida.
24 MS. TANNER: Okay. So just so I'm
25 understanding, you came down here when it

1 was warm.
2 MR. BLACKMON: Warm, yeah.
3 MS. TANNER: And then you went to
4 Florida?
5 MR. BLACKMON: Yeah, I went to
6 Florida, yeah, and I left my old lady and
7 went to Florida.
8 MS. TANNER: Okay. And when you say
9 you left your old lady, who is that we're
10 talking about?
11 MR. BLACKMON: My girlfriend.
12 MS. TANNER: Okay.
13 MR. BLACKMON: She didn't want to help
14 me get a job working with her at Black &
15 Decker.
16 MS. TANNER: Can you remind me of her
17 name again?
18 MR. BLACKMON: Ms. Erma Williams.
19 MS. TANNER: Okay. And she's the one
20 you left to go to Florida?
21 MR. BLACKMON: Yeah. I left her and
22 went to Florida.
23 MS. TANNER: Okay.
24 MR. BLACKMON: I lived with her on Old
25 Garner Road back in the days.

1 MS. TANNER: Okay.
2 MR. BLACKMON: It's been a long, long,
3 long time.
4 MS. TANNER: Okay.
5 MS. BRIDENSTINE: When you first came
6 to Raleigh, do you remember where you went?
7 MR. BLACKMAN: I know I got -- let's
8 see, oh, yeah. I was in Lumberton, then I
9 came to Raleigh. I can't hardly remember.
10 It's been a long time. I can't even hardly
11 get my thoughts together on that.
12 MS. BRIDENSTINE: Okay. Okay.
13 MS. TANNER: A long, long time.
14 MR. BLACKMON: It's like my thoughts,
15 everything just fade away.
16 MS. BRIDENSTINE: All right.
17 MS. MCNEILL: I understand.
18 MS. BRIDENSTINE: Do you know why you
19 came to Raleigh?
20 MR. BLACKMON: When I was in Central
21 Prison, they sent me to Dorothea Dix, then
22 I start living in Raleigh.
23 MS. BRIDENSTINE: Had you been to
24 Raleigh before that?
25 MR. BLACKMON: Never in my life, no.

1 Was my first time, ever, ever, ever. No.
2 After Dorothea Dix, I mean, I found an
3 apartment, place, found a little lady and I
4 moved in with her and tried to live since
5 then. That was about it.
6 MS. BRIDENSTINE: Live with who? You
7 said "her."
8 MR. BLACKMON: Her, yeah.
9 MS. BRIDENSTINE: Are you talking
10 about --
11 MR. BLACKMON: Erma.
12 MS. BRIDENSTINE: Erma, okay.
13 MR. BLACKMON: Yeah.
14 MS. BRIDENSTINE: Did you ever live at
15 the YMCA in Binghamton?
16 MR. BLACKMON: Oh, yeah, I did, yeah,
17 I did, yeah, I did, yeah.
18 MS. BRIDENSTINE: When was that; do
19 you remember that?
20 MR. BLACKMON: I don't remember that
21 neither. It's been a long time.
22 MS. BRIDENSTINE: Do you remember ever
23 getting in trouble, like criminal cases in
24 Binghamton for anything?
25 MR. BLACKMON: Oh, yeah. I stole a

1 fur coat out of the window.
2 MS. BRIDENSTINE: Okay.
3 MR. BLACKMON: A mink. I went in the
4 window. I was walking down the street,
5 seen the coat in the shop, right? Then
6 went back, I walked in, took the coat, put
7 it in my arms and walked out, then ran
8 around the road, right around the corner.
9 The police came and they seen I had a coat
10 and a bag. I said they wouldn't do
11 nothing, right? I had it all wrapped
12 around my arm. They seen it, they stopped.
13 "(Indiscernible) go, buddy? Where did you
14 get that from?" I said "Nowhere." So they
15 took me to jail.
16 MS. BRIDENSTINE: Do you remember any
17 other criminal cases after that from
18 Binghamton?
19 MR. BLACKMON: No, no, I don't
20 remember none, no, not none.
21 MS. BRIDENSTINE: Who's Allen
22 Thompson?
23 MR. BLACKMON: That's my best friend,
24 my buddy, my best friend, I mean, me and
25 him, we was in the hospital together there

1 in Binghamton, New York.
2 MS. BRIDENSTINE: You were in the
3 hospital with him?
4 MR. BLACKMON: Both was in there
5 together. He's an old Vietnam, what do
6 they call them, Vietnam --
7 MS. BRIDENSTINE: Vet?
8 MR. BLACKMON: Yeah, vet, yeah.
9 MS. BRIDENSTINE: Okay.
10 MR. BLACKMON: Yeah.
11 MS. BRIDENSTINE: So he was at the
12 Binghamton Psychiatric Center?
13 MR. BLACKMON: We were both there. We
14 was on the same block, same tier, yeah.
15 MS. BRIDENSTINE: So when we've spoken
16 to you before, you mentioned that you
17 stayed at a place that was called On The
18 Hill?
19 MR. BLACKMON: They called it
20 Binghamton up on the hill.
21 MS. BRIDENSTINE: Up on the hill?
22 MR. BLACKMON: Up on the hill, yeah.
23 MS. BRIDENSTINE: Okay. And that's
24 the same one you're talking about now with
25 Mr. Thompson?

1 MR. BLACKMON: Yeah. We was over
2 there together.
3 MS. BRIDENSTINE: Did you ever see Mr.
4 Thompson in North Carolina?
5 MR. BLACKMON: Oh, yeah, many times,
6 yeah.
7 MS. BRIDENSTINE: Where did you see
8 him?
9 MR. BLACKMON: In Lumberton. He stayed
10 in Lumberton, and I didn't even know it
11 until -- when I came back from there, I
12 didn't even know it that it was him. When
13 I looked closer I said, damn, that's T-boy.
14 We say, "Oh, yeah. Hey, what's up man?"
15 It's been a long time seeing me, you know.
16 MS. BRIDENSTINE: Yeah.
17 MR. BLACKMON: And I was just walking
18 through then.
19 MS. BRIDENSTINE: When was the last
20 time you saw him in Binghamton?
21 MR. BLACKMON: It's been -- he got
22 sick. It's been a long time.
23 MS. BRIDENSTINE: Since --
24 MR. BLACKMON: I hope he's -- about
25 four, five, eight, six or seven, eight

1 years ago.
2 MS. BRIDENSTINE: Okay. So the last
3 time you saw him was six or seven or eight
4 years ago?
5 MR. BLACKMON: It's been a long time,
6 though.
7 MS. BRIDENSTINE: When he was in
8 Binghamton and you were in Binghamton?
9 MR. BLACKMON: We was there together
10 at the hospital. That's where I met him,
11 at the hospital, but then when I was coming
12 down here to Raleigh, Lumberton, I seen
13 him. I started talking to him, and we just
14 came to be the most best friends in the
15 world, yeah.
16 MS. BRIDENSTINE: Did you know that he
17 was in North Carolina at that point?
18 MR. BLACKMON: No. I didn't know
19 nothing, no, until I see him sitting on the
20 porch when I was coming through Lumberton,
21 then I found out that he lived there. All
22 his family gone and dead, too.
23 MS. BRIDENSTINE: Now when you saw him
24 in Lumberton and you were surprised to see
25 him --

1 MR. BLACKMON: Yeah, I was.
2 MS. BRIDENSTINE: -- when was the last
3 time before that you'd seen him?
4 MR. BLACKMON: Never. Since then, no
5 time, and it's been years, years, and
6 years. He used to send me Christmas boxes
7 and stuff, but I believe he's got his stuff
8 together and he lives somewhere else now.
9 he don't stay in Lumberton no more neither.
10 MS. BRIDENSTINE: Okay. Did you ever
11 see Allen Thompson in Raleigh?
12 MR. BLACKMON: Oh, yeah, I did.
13 MS. BRIDENSTINE: Where did you see
14 him in Raleigh?
15 MR. BLACKMON: He was outdoors sitting
16 on the porch when I was walking down the
17 street and I seen him. I said, damn,
18 that's T-boy. Yeah, that's him. "What's
19 going on man?" I said to him. "Where you
20 been?" I said "I've been everywhere."
21 He's a real good friend of mine.
22 MS. BRIDENSTINE: Do you remember
23 where you were when you saw him in Raleigh,
24 like where were you staying at that point?
25 MR. BLACKMON: I'm saying -- where, in

1 Raleigh?
2 MS. BRIDENSTINE: Uh-huh, when you saw
3 him on the porch.
4 MR. BLACKMON: I saw him on the porch
5 in Lumberton.
6 MS. BRIDENSTINE: Oh, in Lumberton,
7 okay.
8 MR. BLACKMON: Yeah. That's where his
9 family, people -- that's where he's from.
10 We're from the same location.
11 MS. BRIDENSTINE: Okay. Did you ever
12 see him in Raleigh?
13 MR. BLACKMON: No, never, no, never.
14 MS. BRIDENSTINE: How long were you in
15 Florida for; do you remember that?
16 MR. BLACKMON: I'd say it's about
17 three or four days, that's all.
18 MS. BRIDENSTINE: Where did you go
19 after that?
20 MR. BLACKMON: I didn't have nowhere
21 to go, and I was all out of money. The
22 police -- I told them, I said "I need my
23 medication," so with they did, they took me
24 to a hospital there in Florida somewhere.
25 MS. BRIDENSTINE: Hospital?

1 MR. BLACKMON: Yeah. I can't remember
2 the name of the place, but I was there, but
3 I know that I stayed there for about four,
4 five days, then I discharged myself and
5 came out and went on about my business and
6 came back down to North Carolina to get
7 together with my lady.
8 MS. BRIDENSTINE: Which lady?
9 MR. BLACKMON: Erma.
10 MS. BRIDENSTINE: Okay. How many
11 times have you been to Florida?
12 MR. BLACKMON: Just once in my life.
13 No other time. Just once.
14 MS. BRIDENSTINE: So you went from
15 Florida to --
16 MR. BLACKMON: Back to Raleigh.
17 MS. BRIDENSTINE: Back to Raleigh --
18 MR. BLACKMON: Yeah.
19 MS. BRIDENSTINE: -- to be with Erma.
20 So other than New York and North Carolina
21 and Florida, and you said you were in
22 Atlanta for a little bit, Atlanta for a
23 little bit?
24 MR. BLACKMON: Yeah. About two or
25 three days, that's all.

1 MS. BRIDENSTINE: Two or three days?
2 MR. BLACKMON: Yeah.
3 MS. BRIDENSTINE: And what were you
4 doing over there? How did you get there?
5 MR. BLACKMON: I had money because I'd
6 been working at Black & Decker at the time
7 when all this took place.
8 MS. BRIDENSTINE: Okay.
9 MR. BLACKMON: And I got money from my
10 job. She's the one that helped me get a
11 job working with her.
12 MS. BRIDENSTINE: So you went --
13 correct me if I'm wrong, I don't want to --
14 MR. BLACKMON: Yeah.
15 MS. BRIDENSTINE: -- say anyting
16 wrong. You went to Atlanta when you were
17 working at Black & Decker?
18 MR. BLACKMON: No. I quit my job at
19 Black & Decker.
20 MS. BRIDENSTINE: Okay.
21 MR. BLACKMON: Then I went to Florida,
22 Atlanta.
23 MS. BRIDENSTINE: Okay.
24 MR. BLACKMON: And then from there,
25 stayed there for a little while, then came

1 on back and moved in back in with her.
2 MS. BRIDENSTINE: So you went from
3 Black & Decker, quit your job, went to
4 Florida --
5 MR. BLACKMON: Yeah.
6 MS. BRIDENSTINE: -- went to Atlanta?
7 MR. BLACKMON: Yeah, Atlanta.
8 MS. BRIDENSTINE: And then came
9 back --
10 MR. BLACKMON: Came back to North
11 Carolina.
12 MS. BRIDENSTINE: Okay.
13 MR. BLACKMON: Moved back here with my
14 old lady, Erma.
15 MS. BRIDENSTINE: So what did you do
16 at Black & Decker?
17 MR. BLACKMON: We was like -- I was
18 like a custodian, custodian, and she was
19 doing custodian work, too.
20 MS. BRIDENSTINE: Who was?
21 MR. BLACKMON: Erma.
22 MS. BRIDENSTINE: Did you guys work
23 there together?
24 MR. BLACKMON: Together, yeah. She's
25 the one that helped me get a job because I

1 couldn't read and write. She helped me get
2 the job working with her. We were working
3 together then.
4 MS. BRIDENSTINE: How long did you
5 work at Black & Decker for?
6 MR. BLACKMON: It's been a good while,
7 too. Ever since that mess they said I did
8 was going on.
9 MS. BRIDENSTINE: Do you remember how
10 long you worked for, how long you had the
11 job for?
12 MR. BLACKMON: Well, I'd say about
13 eight or seven months.
14 MS. BRIDENSTINE: Do you remember who
15 hired you for that job?
16 MR. BLACKMON: I don't remember
17 nothing. She got me the job. She had to
18 fill out the contract. Then when she
19 filled out the contract they notified me,
20 then we started working together.
21 MS. BRIDENSTINE: When you say you
22 worked with Erma, did you guys do your
23 shifts together?
24 MR. BLACKMON: Oh, yes. Sometimes she
25 helped me. Sometimes I helped her.

1 MS. BRIDENSTINE: Did anything ever
2 happen there, any sort of problems with a
3 woman working there?
4 MR. BLACKMON: Oh, yeah, yeah.
5 MS. BRIDENSTINE: What was that?
6 MR. BLACKMON: A lady, she had a
7 vacuum machine, right?
8 MS. BRIDENSTINE: Uh-huh.
9 MR. BLACKMON: And then you know how
10 the things get messed up at the bottom?
11 MS. BRIDENSTINE: Uh-huh.
12 MR. BLACKMON: So I was in the room
13 where she was at fixing the vacuum machine,
14 and she enticed me, stuck her legs and her
15 foot up on -- I was sitting down, took her
16 legs and sitting on the thing, right. I
17 was rubbing her leg, then later on she --
18 then later on, the next day, she told the
19 boss and the boss man, they fired me and
20 said "You got to find a new job somewhere
21 else. You fired."
22 MS. BRIDENSTINE: Okay. So you were
23 fired?
24 MR. BLACKMON: Yeah, because I was
25 enticement by the lady, by the young girl.

1 MS. BRIDENSTINE: Earlier, you said
2 you quit --
3 MR. BLACKMON: Yeah.
4 MS. BRIDENSTINE: -- but --
5 MR. BLACKMON: I had to quit because
6 he said I was in error.
7 MS. BRIDENSTINE: Okay. Do you
8 remember the lady's name?
9 MR. BLACKMON: I don't remember
10 nothing. It was a long time. I don't
11 remember nothing. I don't remember
12 nothing.
13 MS. BRIDENSTINE: What happened after
14 you were fired? What happened next? Where
15 did you go?
16 MR. BLACKMON: I went back to live
17 with my old lady. And then the police put
18 that charge on me, then they locked up at
19 Dorothea Dix.
20 MS. BRIDENSTINE: Do you remember how
21 much time happened between the firing at
22 Black & Decker for the lady and the
23 Dorothea Dix?
24 MR. BLACKMON: This has been a long
25 time. I can't remember none of that. I

1 can't remember none of it. I understood
2 that girl, she (indiscernible). She put
3 her legs on my knee, started rolling her
4 legs, then later on, the next day she told
5 the boss that I was trying to entice her.
6 She enticed me.
7 MS. TANNER: I'm sorry, you said there
8 was -- she was working on a vacuum?
9 MR. BLACKMON: You know how you
10 vacuum --
11 MS. TANNER: Uh-huh.
12 MR. BLACKMON: -- you got a
13 (indiscernible) on the bottom you got to
14 take it off --
15 MS. TANNER: Right.
16 MR. BLACKMON: -- put it back on, she
17 took her vacuum, bring it to me in the
18 room, right? And when she brought in the
19 room she said "I can't fix the vacuum. Can
20 you fix that?" "Yes, I'll fix it." So she
21 took her leg up and then put it on my foot,
22 right, and I start rubbing her leg, and I
23 said, no, I'm not going to start that, then
24 I fixed her vacuum. I went on about my
25 business.

1 MS. TANNER: Do you remember like what
2 building you were working in?
3 MR. BLACKMON: No. It was some -- oh,
4 at Black & Decker?
5 MS. TANNER: Uh-huh.
6 MR. BLACKMON: I can't remember the --
7 they tore that building down. It's not up
8 no more now.
9 MS. TANNER: Okay.
10 MS. BRIDENSTINE: Do you remember
11 where it was?
12 MR. BLACKMON: It was on a boulevard
13 in Raleigh somewhere, somewhere on the
14 boulevard.
15 MS. TANNER: What did they do with
16 that building?
17 MR. BLACKMON: Huh?
18 MS. TANNER: What did they do? What
19 did Black & Decker do?
20 MR. BLACKMON: Oh, they make like
21 sewing machines, (indiscernible) machine,
22 battery, flashlights. They make all kinds
23 of little equipment stuff that they make
24 there.
25 MS. TANNER: Is that what they made in

1 the building you cleaned?
2 MR. BLACKMON: Yeah, yeah, yeah, yeah,
3 yeah. That was the only building that was
4 up there.
5 MS. TANNER: Okay.
6 MR. BLACKMON: Yeah.
7 MS. TANNER: Did you ever clean any
8 other buildings for them?
9 MR. BLACKMON: No, never, no.
10 (indiscernible).
11 MS. TANNER: Did you go to the same
12 place every day for work?
13 MR. BLACKMON: Yeah, every day, same
14 place.
15 MS. TANNER: Okay. And Erma went with
16 you?
17 MR. BLACKMON: Yeah. We both -- we
18 were at the same job. She had -- she was
19 working downstairs, and I was working
20 upstairs.
21 MS. TANNER: Okay.
22 MS. BRIDENSTINE: Did you ever work
23 anywhere else other than Black & Decker?
24 MR. BLACKMON: When I was in Syracuse,
25 New York I worked at -- they call hot dogs,

1 hamburger, what do they call them?
2 MS. BRIDENSTINE: Like a restaurant
3 or --
4 MR. BLACKMON: No. It's like a
5 McDonald's.
6 MS. BRIDENSTINE: Okay.
7 MR. BLACKMON: Making hot dogs and
8 patties and stuff on the grill machine.
9 MS. BRIDENSTINE: Okay.
10 MR. BLACKMON: Had a job doing that.
11 MS. BRIDENSTINE: Do you remember when
12 that was?
13 MR. BLACKMON: No. I was young back
14 then. I don't remember that.
15 MS. BRIDENSTINE: Other than Black &
16 Decker and that job, did you work anywhere
17 else?
18 MR. BLACKMON: No. That was in
19 Syracuse, Black & Decker and nowhere else.
20 That was it.
21 MS. BRIDENSTINE: Did you ever know a
22 Barbara in Raleigh anywhere?
23 MR. BLACKMON: Barbara? No, I don't
24 know no Barbara. Barbara, Barbara who?
25 MS. BRIDENSTINE: Just if you ever

1 knew anyone named Barbara.
2 MR. BLACKMON: Never in my life, no.
3 MS. BRIDENSTINE: Do you remember
4 anything happening at a library?
5 MR. BLACKMON: In Raleigh?
6 MS. BRIDENSTINE: Yeah, like a problem
7 with a librarian?
8 MR. BLACKMON: Oh, yeah.
9 MS. BRIDENSTINE: What was that?
10 MR. BLACKMON: That was -- yeah. I
11 went to the library and -- see, I like to
12 have sex. See what I'm saying?
13 MS. BRIDENSTINE: Uh-huh.
14 MR. BLACKMON: And my lady, she wasn't
15 giving me, feeding me the way I needed,
16 right? But I was in no (indiscernible)
17 bad, rough and tough, I didn't have like
18 that relationship, sex, sex, sex. So one
19 day she wouldn't please me, right? So I
20 went to the library and I was sitting down
21 looking at the girls. I was
22 (indiscernible), right, and I was going
23 like that, rubbing myself, and then she
24 called her -- called the house where she
25 was at and told her sister. And then when

1 they told her sister, the two officers, the
2 same -- Munday and the other guy, they came
3 to get me and then they took me to the
4 hospital out there in Raleigh somewhere. I
5 don't know which one it was.
6 MS. BRIDENSTINE: On what?
7 MR. BLACKMON: To the hospital in
8 Raleigh.
9 MS. BRIDENSTINE: Uh-huh.
10 MR. BLACKMON: I don't know which one
11 it was. Then they put me in Dorothea Dix.
12 MS. BRIDENSTINE: Okay. Did anything
13 else happen with that trip to Dorothea Dix?
14 Did anyone say that anything else had been
15 going on that led to you going there?
16 MR. BLACKMON: No.
17 MS. BRIDENSTINE: Was it just the
18 librarian or was it anything else?
19 MR. BLACKMON: Huh?
20 MS. BRIDENSTINE: Was it just the
21 librarian the led to your being put in
22 Dorothea Dix at that time?
23 MR. BLACKMON: Yeah, yeah.
24 MS. BRIDENSTINE: Was there anything
25 else with anyone?

1 MR. BLACKMON: I'm saying the two
2 officers wanted to arrest me. They're the
3 ones that came and got me.
4 MS. BRIDENSTINE: Okay.
5 MR. BLACKMON: Those two, the same one
6 that told lies, allegations about me.
7 MS. BRIDENSTINE: What about with
8 Erma, did you ever have any problems with
9 her?
10 MR. BLACKMON: No, no. I loved that
11 girl, man. We was groovy together. I
12 loved her. She'd know it, too.
13 MS. BRIDENSTINE: Did you ever
14 threaten her with a knife?
15 MR. BLACKMON: Hell, no, no way. No,
16 no way. No woman have I ever threatened
17 with a knife, and I had never killed no
18 woman never ever in my life.
19 MS. BRIDENSTINE: Okay. Did you ever
20 have any problems with Erma's sister,
21 Yvette?
22 MR. BLACKMON: No, no, no, no. We
23 never had no problems, no.
24 MS. BRIDENSTINE: You mentioned the
25 detectives that you were -- you talking

1 about Munday?
2 MR. BLACKMON: Yeah, Holder and Munday
3 and -- those are the ones that came to get
4 me when they first took me to the hospital
5 in Raleigh. Then from the hospital they
6 put me in Dorothea Dix.
7 MS. BRIDENSTINE: When was that?
8 MR. BLACKMON: I don't know. It's
9 been a long time. I can't remember.
10 MS. BRIDENSTINE: Was it the time that
11 you were just talking about with the
12 problem with the librarian or was it a
13 different time?
14 MR. BLACKMON: It was the time with
15 the librarian.
16 MS. BRIDENSTINE: Do you remember
17 meeting with Detectives Holder and Munday?
18 MR. BLACKMON: Huh?
19 MS. BRIDENSTINE: Do you remember
20 meeting with Detectives Holder and Munday
21 at the Raleigh Police Department?
22 MR. BLACKMON: Oh, yeah, yeah, yeah,
23 yeah, yeah. They came and got me when I
24 was there with my lady. They told me to
25 come down to the office and talk to them.

1 That's when I went in and talked to them.
2 Then after that they didn't -- then they
3 said "We going to put --," I can't say the
4 whole lot -- I can't remember what was
5 going on back then, a whole lot of stuff.
6 I can't remember.
7 MS. BRIDENSTINE: Do you -- why did
8 you meet with them? Why did you go and
9 meet with them?
10 MR. BLACKMON: The polices?
11 MS. BRIDENSTINE: Uh-huh.
12 MR. BLACKMON: They came to me. I
13 didn't go to them because Yvette -- they
14 called the police to tell them what I was
15 doing, right? When they came, Munday and
16 Holder, they came and got me and they took
17 me up to the hospital somewhere in --
18 medical hospital up there in Raleigh. Then
19 from the medical hospital, then they went
20 to Dorothea Dix.
21 MS. TANNER: Was that the first time
22 you had ever seen Munday and Holder?
23 MR. BLACKMON: Yeah, the first time.
24 Never seen them -- never, never, never --
25 the first time.

1 MS. TANNER: Okay.
2 MR. BLACKMON: But the second time, I
3 seen them plainly -- I haven't seen them
4 like in the first time.
5 MS. TANNER: Okay.
6 MS. BRIDENSTINE: When was the next
7 time you saw them? When was the next time
8 you saw them?
9 MR. BLACKMON: When they told me to
10 come down and talk to them at the office.
11 I went down there.
12 MS. BRIDENSTINE: Did they tell you
13 why they wanted to talk to you?
14 MR. BLACKMON: They said -- they're
15 trying -- I know they didn't tell anything
16 until I got there. They started showing me
17 some pictures and stuff, pictures of a guy,
18 but they didn't have a picture of me. They
19 just had a dashiki that they said that they
20 found that I was wearing, you know, when
21 they said I was supposed to have killed
22 that girl. I never killed nobody in my
23 natural life, nobody, black or white.
24 MS. BRIDENSTINE: What do you remember
25 about meeting with Detectives Holder and

1 Munday?
2 MR. BLACKMON: I know one thing,
3 everything that they said out of their
4 mouth I repeat it. Everything they said I
5 repeat it, out of their mouth, I repeat it
6 after what they said, everything.
7 MS. BRIDENSTINE: Why is that?
8 MR. BLACKMON: They just kept -- they
9 -- kind of guy that was nice
10 (indiscernible), nothing.
11 MS. BRIDENSTINE: Well, why did you do
12 that?
13 MR. BLACKMON: Huh?
14 MS. BRIDENSTINE: Why did you do that?
15 MR. BLACKMON: Do what?
16 MS. BRIDENSTINE: Why did you repeat
17 what they were saying?
18 MR. BLACKMON: Because they had my
19 mind all messed up, that's why, when they
20 had me on all that medication. Other than
21 that, I was great.
22 MS. BRIDENSTINE: Why do you think
23 that they wanted to talk to you? Why do
24 you think they were wanting to talk to you?
25 MR. BLACKMON: Because they needed

1 somebody to put that case on so that -- on
2 somebody so that they can put in a high
3 position and get more money, and that's
4 what they did.
5 MS. BRIDENSTINE: Did Detectives
6 Munday and Holder, did they ever give you
7 anything?
8 MR. BLACKMON: Oh, yeah, they did.
9 They gave me money. They bought me
10 hamburgers, hot dogs, and all that stuff.
11 MS. BRIDENSTINE: Anything else?
12 MR. BLACKMON: Let me see, and they
13 gave me some money to buy a little baby
14 doll, a doll to give that girl up there at
15 Dix, Dorothea Dix, too, hospital. Her name
16 was Debra Springer.
17 MS. BRIDENSTINE: And who was Debra
18 Springer?
19 MR. BLACKMON: She's a girl that I --
20 ever since I've been over there at Dorothea
21 Dix Hospital.
22 MS. BRIDENSTINE: Have you seen her
23 since Dorothea Dix?
24 MR. BLACKMON: I haven't -- never,
25 never. Don't know where the hell she at.

1 MS. BRIDENSTINE: Was Debra Springer,
2 was she black?
3 MR. BLACKMON: Yeah, she was black,
4 yeah.
5 MS. BRIDENSTINE: Do you remember how
6 old she was at the time, approximately?
7 MR. BLACKMON: She was young, about my
8 age back then.
9 MS. BRIDENSTINE: Other than --
10 MR. BLACKMON: She's old now.
11 MS. BRIDENSTINE: So other than the
12 buying you food and money for a baby doll.
13 Did they ever give you anything or buy you
14 anything other than that?
15 MR. BLACKMON: No, no. Then they
16 called me down to the station and started
17 talking a bunch of lies and everything. It
18 was crazy.
19 MS. BRIDENSTINE: Did you know
20 anything about the case that they were
21 talking to you about?
22 MR. BLACKMON: I didn't know nothing
23 until they told me, and then I went along
24 with every word what they say, what they
25 did, I admitted to it. Took me five, six

1 damn times to get me to plead guilty to
2 court for something I didn't do. I waited
3 until the last damn moment that I -- I was
4 so messed up on that medication at old
5 Central Prison I would have said anything
6 out of my mouth. I was like a zombie.
7 MS. BRIDENSTINE: Have you ever heard
8 anything about that case at St. Augustine's
9 before you met with Detectives Holder and
10 Munday?
11 MR. BLACKMON: No, nothing, no,
12 nothing, nothing.
13 MS. TANNER: Mr. Blackmon, we were
14 just talking about the librarian, and you
15 said that somebody called. Who did they
16 call?
17 MR. BLACKMON: No, I believe she
18 called my old lady, and Yvette, the phone,
19 and they told her what was going on. They
20 called up the police, Holder and Munday,
21 they came, and then they took me to a
22 hospital somewhere out there in Raleigh.
23 Then from there, then they took me to
24 Dorothea Dix last.
25 MS. TANNER: Okay. And who took you

1 there?
2 MR. BLACKMON: Holder and Munday.
3 MS. TANNER: Okay. Was there ever a
4 time that they took a picture of you when
5 you were meeting with them?
6 MR. BLACKMON: No, not that I know of,
7 no.
8 MS. TANNER: Okay.
9 MR. BLACKMON: Never.
10 MS. TANNER: And that was the first
11 time you'd ever seen Holder and Munday?
12 MR. BLACKMON: Yes, yeah, the first
13 time I ever seen them.
14 MS. TANNER: And this is after the
15 incident with the librarian?
16 MR. BLACKMON: Yeah, with the
17 librarian.
18 MS. TANNER: Okay. How many times did
19 you go to the library?
20 MR. BLACKMON: I been there about once
21 or twice, that's all.
22 MS. TANNER: Okay.
23 MS. BRIDENSTINE: Did Detectives
24 Munday and Holder or anyone with Raleigh
25 Police ever have you do anything other than

1 talking to them?
2 MR. BLACKMON: No. No, nothing.
3 MS. BRIDENSTINE: Did they ever have
4 you participate in any sort of like a
5 lineup or anything like that?
6 MR. BLACKMON: Oh, they did. That was
7 in Raleigh, yeah.
8 MS. BRIDENSTINE: What was that?
9 MR. BLACKMON: They had me in a
10 lineup.
11 MS. BRIDENSTINE: Can you tell me
12 about that? What do you remember about
13 that?
14 MR. BLACKMON: I know all the guys in
15 there didn't look nothing like me.
16 MS. BRIDENSTINE: What do you mean?
17 MR. BLACKMON: They say -- when they
18 try for somebody, they try to get somebody
19 to look like you, see if you're the person,
20 right? And they had this black girl, I
21 can't remember, I don't remember who she
22 is, and she's the one that picked me out.
23 She said, "Yeah, that's the guy right
24 there." I never even seen her a day in my
25 life.

1 MS. BRIDENSTINE: So did you see her?
2 MR. BLACKMON: No, I never seen her.
3 They had me on a lineup.
4 MS. BRIDENSTINE: What did the lineup
5 look like?
6 MR. BLACKMON: Nobody didn't look like
7 me. We didn't look alike.
8 MS. BRIDENSTINE: So describe what
9 this lineup --
10 MR. BLACKMON: You know about -- you
11 know how --
12 MS. BRIDENSTINE: Talk me through it
13 from start to finish. What was it?
14 MR. BLACKMON: We were lined up about
15 five or six. They put us in a lineup,
16 right? They had some witness that tried to
17 testify if that was the person or not. And
18 then that's what it was with that girl when
19 she said I did what I said (indiscernible)
20 I did. And I never seen her in my life.
21 MS. TANNER: Were you able to see her?
22 Were you able to see this person?
23 MR. BLACKMON: I never seen her in my
24 life, no, never in my life.
25 MS. TANNER: Okay. During the

1 lineup --
2 MR. BLACKMON: Yeah.
3 MS. TANNER: -- were you able to see
4 her?
5 MR. BLACKMON: You couldn't see
6 nothing.
7 MS. TANNER: Okay.
8 MR. BLACKMON: They hid behind a, you
9 know, the glass wall.
10 MS. TANNER: Okay.
11 MR. BLACKMON: Yeah.
12 MS. BRIDENSTINE: So you were there
13 with other people?
14 MR. BLACKMON: Oh, yeah. They had us
15 on the lineup.
16 MS. BRIDENSTINE: Where was this?
17 MR. BLACKMON: In Raleigh.
18 MS. BRIDENSTINE: Do you remember
19 where?
20 MR. BLACKMON: No. Someplace in
21 Raleigh where they be lining people up. I
22 don't know where, though. They be lining
23 people up trying to find men guilty, not
24 guilty for some of the other cases, stuff
25 like that.

1 MS. BRIDENSTINE: Do you remember when
2 this happened?
3 MR. BLACKMON: No. I don't really
4 know nothing. It's been a long time.
5 MS. BRIDENSTINE: Was this after you
6 met Detective Munday and Holder or before?
7 MR. BLACKMON: It was after they had
8 me on the lineup. Detective Holder and
9 Munday, they were there, too, when they had
10 me on the lineup.
11 MS. BRIDENSTINE: Both of them were
12 there?
13 MR. BLACKMON: Yeah.
14 MS. BRIDENSTINE: Did anyone tell you
15 any reason why they wanted you to do this
16 lineup?
17 MR. BLACKMON: Huh?
18 MS. BRIDENSTINE: Did anyone tell you
19 about why they wanted you to do this
20 lineup?
21 MR. BLACKMON: Well, they told me,
22 they said "They want you to go get a
23 lineup, see if you're the guy that killed
24 that girl or not," so I said yes. I went
25 to get a lineup and then that was it. Then

1 they said the girl point me out, right?
2 Then they said I was the guy that did what
3 they said I did. And I never did nothing
4 like that in my life.
5 MS. BRIDENSTINE: Do you know which
6 girl it was?
7 MR. BLACKMON: No. Some girl -- I
8 don't know where the hell they find her,
9 where they got her from. I never seen her
10 never in my life.
11 MS. BRIDENSTINE: Had you ever been in
12 a lineup before?
13 MR. BLACKMON: Never.
14 MS. BRIDENSTINE: Not Florida or --
15 MR. BLACKMON: Never, never.
16 MS. BRIDENSTINE: -- New York?
17 MR. BLACKMON: Never, never, never.
18 Oh, yeah, when I was in Syracuse, New York,
19 yeah. No, never, no, I've never been in a
20 lineup. This is the first time since I've
21 been down here in North Carolina.
22 MS. BRIDENSTINE: Where were you
23 staying when you did the lineup? Where
24 were you living at the time?
25 MR. BLACKMON: I was in Central Prison

1 when they had all that lineup and putting
2 all that -- giving me all that medicine
3 like I was a zombie and can't think. I was
4 in the CP when all that took place.
5 MS. TANNER: Is your medicine
6 different now than when you were in Central
7 Prison?
8 MR. BLACKMON: Yeah, it's different.
9 MS. TANNER: Okay.
10 MR. BLACKMON: They had me all drug up
11 back then. I couldn't think, function. I
12 was a zombie, couldn't think, function,
13 nothing when I was going to court. It took
14 them about four, five times to get me to
15 plead guilty to something I didn't do. And
16 they didn't even give me no plea bargain,
17 no nothing.
18 MS. TANNER: In comparison, how does
19 your medicine make you feel now?
20 MR. BLACKMON: Actually, I really
21 don't need it, but I just take it anyway.
22 MS. TANNER: Okay.
23 MS. BRIDENSTINE: Tell us about
24 Dorothea Dix, what was it like there?
25 MR. BLACKMON: It was a nice place.

1 It wasn't too bad.
2 MS. BRIDENSTINE: Did you ever have
3 any problems there?
4 MR. BLACKMON: Oh, yeah. An officer
5 pulled a knife, I don't know, when I was up
6 there.
7 MS. BRIDENSTINE: An officer pulled a
8 knife?
9 MR. BLACKMON: No, I mean a nurse, a
10 nurse. He pulled a knife, and I beat him
11 on his shoulder. That was in the news in
12 Raleigh, in the news. There were two back
13 in the days. All of that was on the news,
14 in the newspaper.
15 MS. BRIDENSTINE: What happened around
16 that? What do you remember from that?
17 MR. BLACKMON: Huh?
18 MS. BRIDENSTINE: Tell us more about
19 that. What do you remember from that?
20 MR. BLACKMON: All I know is that -- I
21 can't hardly remember nothing for that. I
22 can't hardly remember. It's been a long
23 time.
24 MS. BRIDENSTINE: Did anything happen
25 as a result of that?

1 MR. BLACKMON: Oh, yeah. I bit the
2 guy on his back and then -- and we went to
3 court. It was in the newspaper. We went
4 to court. They said he couldn't work
5 around no mental hospital peoples no more.
6 They fired him.
7 MS. BRIDENSTINE: What do you remember
8 about court, going to court?
9 MR. BLACKMON: Where?
10 MS. BRIDENSTINE: For this case, for
11 the case you're talking about with the
12 nurse at Dorothea Dix.
13 MR. BLACKMON: No, I didn't go to
14 court. I didn't go to court. I can't
15 remember who the lady was. All that stuff
16 was in the newspaper. I can't remember
17 when that was neither.
18 MS. BRIDENSTINE: What do you mean
19 "the lady"?
20 MR. BLACKMON: I can't remember -- all
21 that stuff was in the newspaper, the girl
22 that said -- the one that said that I did
23 that, she was wrong, too. I never killed
24 nobody.
25 MS. BRIDENSTINE: Other than that

1 incident with the nurse with the knife, did
2 anything ever -- else happen at Dorothea
3 Dix?
4 MR. BLACKMON: Yeah, yeah, yeah, yeah.
5 We went to court. Everybody went to court.
6 MS. BRIDENSTINE: What do you mean?
7 MR. BLACKMON: On that charge because
8 there was some lawyer I was talking to, she
9 told me, she said "Lay low and be cool."
10 Then after that we went to court, and then
11 they found that he was guilty for doing
12 what he did. They fired him and said he
13 can't work at no institution in the state
14 no more all throughout North Carolina. He
15 lost his job. That was in the newspaper
16 back in the days, too. And they
17 (indiscernible) -- just like that --
18 remember that Floyd guy, that Floyd guy
19 that got all that money for being assaulted
20 in Dorothea Dix? We got the same same
21 thing, same identical case.
22 MS. BRIDENSTINE: Which guy?
23 MR. BLACKMON: Floyd.
24 MS. TANNER: Floyd.
25 MS. BRIDENSTINE: Floyd.

1 MR. BLACKMON: He's the one that got
2 -- had -- Dorothea Dix and stuff like that.
3 He went to Florida and stuff
4 (indiscernible) that money. He got the
5 same identical case.
6 MS. BRIDENSTINE: What happened with
7 his?
8 MR. BLACKMON: Huh?
9 MS. BRIDENSTINE: What happened with
10 his case?
11 MR. BLACKMON: His case was like my
12 case.
13 MS. BRIDENSTINE: Other than that
14 incident with the knife, did anything else
15 happen at Dorothea Dix?
16 MR. BLACKMON: No, nothing happened.
17 After I bit him on his back, he put the
18 knife up then they then brought a charge
19 against me, and I told my lawyer, I can't
20 remember her name back then. I went to
21 court on that.
22 MS. TANNER: You had a lawyer back
23 then?
24 MR. BLACKMON: Yeah. I can't remember
25 who it was. It's been a long time.

1 MS. BRIDENSTINE: You said "her name."
2 Was it a woman or a man?
3 MR. BLACKMON: Oh, it was a man,
4 Officer -- like a nurse that worked there.
5 It was man.
6 MS. BRIDENSTINE: Did you have any
7 other problems at Dorothea Dix?
8 MR. BLACKMON: I have none, no, I
9 don't. Other than that, everything was
10 (indiscernible), no problems.
11 MS. BRIDENSTINE: Do you belong to any
12 religious organizations?
13 MR. BLACKMON: I'm a Muslim and a
14 Hebrew.
15 MS. BRIDENSTINE: How long have you
16 been a Muslim?
17 MR. BLACKMON: And a Hebrewite, too.
18 MS. BRIDENSTINE: Okay.
19 MR. BLACKMON: Been for a little
20 while, since I've been locked up. I was
21 when I was on the streets, but I didn't
22 practice it, though.
23 MS. BRIDENSTINE: It was what?
24 MR. BLACKMON: I said I was when I was
25 on the streets, but I never did practice,

1 though.
2 MS. BRIDENSTINE: What do you mean?
3 MR. BLACKMON: My religion. I was a
4 Muslim on the streets, but I never
5 practiced, practiced my religion, yeah.
6 MS. BRIDENSTINE: How long have you
7 been a Muslim?
8 MR. BLACKMON: Good little while, not
9 too long.
10 MS. BRIDENSTINE: And what do you mean
11 by you said Hebrew, Hebrewite?
12 MR. BLACKMON: Israelite, Hebrew
13 Israelite.
14 MS. BRIDENSTINE: Did you ever attend
15 any religious organizations in Raleigh?
16 MR. BLACKMON: No, not none, no, not
17 none.
18 MS. BRIDENSTINE: When you were in
19 Raleigh and you weren't in Dorothea Dix,
20 where did you live?
21 MR. BLACKMON: Huh?
22 MS. BRIDENSTINE: When you were living
23 in Raleigh, but you weren't at Dorothea
24 Dix --
25 MR. BLACKMON: Oh, I was staying with

1 my girlfriend, Erma. We was living
2 together.
3 MS. BRIDENSTINE: Did you ever live
4 anywhere other than that?
5 MR. BLACKMON: No.
6 MS. BRIDENSTINE: How did you meet
7 Erma?
8 MR. BLACKMON: Through a friend from
9 Dorothea Dix.
10 MS. BRIDENSTINE: And what -- how did
11 -- what do you mean through a friend? Tell
12 me about that.
13 MR. BLACKMON: I can't remember his
14 name. A friend of mine, he said he got a
15 little girlfriend, you know, he want me to
16 meet, so when I met her, I went to her
17 house and we started living together.
18 MS. BRIDENSTINE: Do you remember when
19 that was?
20 MR. BLACKMON: No. It's been a long
21 time. I can't really remember nothing no
22 more. Also getting old.
23 MS. BRIDENSTINE: When did you first
24 grow a beard?
25 MR. BLACKMON: I had a beard all my

1 life. I never shave.
2 MS. BRIDENSTINE: You never shave?
3 MR. BLACKMON: No, never.
4 MS. BRIDENSTINE: Why do you wear a
5 beard?
6 MR. BLACKMON: It brings out my
7 identity.
8 MS. BRIDENSTINE: It what?
9 MR. BLACKMON: It brings out my
10 identity.
11 MS. BRIDENSTINE: What do you mean?
12 MR. BLACKMON: My focus, that's all.
13 MS. BRIDENSTINE: And how tall are
14 you?
15 MR. BLACKMON: I don't know that
16 neither, about six/five, five, five, six,
17 something like that, in between.
18 MS. BRIDENSTINE: I know we talked a
19 little bit about this before, but when --
20 you've mentioned before that you had some
21 sort of a uniform that you used to wear, a
22 uniform?
23 MR. BLACKMON: Yeah.
24 MS. BRIDENSTINE: What is that? What
25 does that look like?

1 MR. BLACKMON: It's just like a -- you
2 know how elephant pants look?
3 MS. BRIDENSTINE: I think so. They're
4 tight at the ankle?
5 MR. BLACKMON: Yeah. They're real
6 loose. You got to tighten up the strings
7 that come together, tie it together. They
8 were like (indiscernible) fit me like
9 regular pants and stuff.
10 MS. BRIDENSTINE: What did the shirt
11 look like?
12 MR. BLACKMON: The same, the same one
13 I told you that's on the floor. That's the
14 only one I've ever had like that. Almost
15 all my other clothes was at my grandma
16 house and I never bring them -- I never did
17 bring them over to Raleigh when I was with
18 my old lady.
19 MS. BRIDENSTINE: How did you put your
20 shirt on?
21 MR. BLACKMON: Huh?
22 MS. BRIDENSTINE: How did you put your
23 shirt on?
24 MR. BLACKMON: It's like a regular
25 polo you put on.

1 MS. BRIDENSTINE: We -- I'm sorry, go
2 ahead.
3 MS. TANNER: When you said it was the
4 color of this floor --
5 MR. BLACKMON: Yeah.
6 MS. TANNER: -- what color is this
7 floor?
8 MR. BLACKMON: It's brownish
9 something, plain color. I just know it's
10 the same color.
11 MS. TANNER: Okay.
12 MR. BLACKMON: What the hell is that?
13 MS. BRIDENSTINE: Well, I'm going to
14 ask you. Do you recognize this?
15 MR. BLACKMON: Who's that, bin Laden?
16 MS. TANNER: So we're going to show
17 you what's marked Exhibits 3 --
18 MR. BLACKMON: Oh, those got Islamic
19 on them, too.
20 MS. TANNER: Yeah. And Exhibit 4.
21 Exhibit 3 is something with a face, and
22 Exhibit 4 is a different drawing. And
23 we're going to ask you to look at these and
24 tell us which one you're looking at and
25 what you think it is if you know.

1 MR. BLACKMON: I don't know who that
2 -- that's him, not me right there. I know
3 that.
4 MS. TANNER: Okay. So this is the
5 picture -- you're pointing to the picture
6 that says Exhibit 3; is that right?
7 MR. BLACKMON: What is it mean?
8 What's it mean?
9 MS. TANNER: See right here at the
10 top, Exhibit 3?
11 MR. BLACKMON: Yeah.
12 MS. TANNER: So this helps us when we
13 go back that we know what picture we're
14 talking about. You know, I'm just going to
15 take Exhibit 4 here. We'll just talk about
16 Exhibit 3 for a little while, okay?
17 MR. BLACKMON: Uh-huh.
18 MS. BRIDENSTINE: Do you recognize it
19 at all?
20 MR. BLACKMON: No. I don't recognize
21 none of that.
22 MS. BRIDENSTINE: Do you know what --
23 MR. BLACKMON: (Indiscernible), but
24 it's a little bit Arabic, guess so.
25 MS. BRIDENSTINE: It's Arabic?

MR. BLACKMON: Guess so.

MS. BRIDENSTINE: Do you recognize that?

MR. BLACKMON: Some of it I understand. Some of it I don't understand.

MS. BRIDENSTINE: Okay. Did you ever write Arabic?

MR. BLACKMON: No, never in my life, never, never in my life.

MS. BRIDENSTINE: Did you ever draw?

MR. BLACKMON: Yeah, but I never drew nothing like that, though. That don't even look like me.

MS. BRIDENSTINE: So this is not something you made?

MR. BLACKMON: I don't even know where it came from.

MS. BRIDENSTINE: Do you have any idea what it is?

MR. BLACKMON: Would be a photograph and a picture of some guy. I never seen that a day in my life.

MS. BRIDENSTINE: Let me take away Exhibit 3. And Exhibit 4, do you recognize that?

1 MR. BLACKMON: Like an apartment, a
2 house or something.
3 MS. BRIDENSTINE: Have you ever seen
4 it before?
5 MR. BLACKMON: Never in my life, no.
6 Never seen it before in my life.
7 MS. BRIDENSTINE: So is this something
8 that you drew or not?
9 MR. BLACKMON: I can't even draw --
10 MS. BRIDENSTINE: Okay.
11 MR. BLACKMON: -- a box.
12 MS. BRIDENSTINE: All right. All
13 right. Thank you.
14 MR. BLACKMON: Got a guy trying to
15 look like me every damn (indiscernible).
16 That's crazy -- whoever draw that picture,
17 they can't certainly draw, I know that.
18 MS. BRIDENSTINE: Did you ever carry a
19 knife?
20 MR. BLACKMON: Never in my life,
21 never, never, never, never.
22 MS. BRIDENSTINE: Earlier you were
23 talking to me a little bit about your plea.
24 Can you tell me about how that came about?
25 MR. BLACKMON: When I was going to

1 court.
2 MS. BRIDENSTINE: Uh-huh.
3 MR. BLACKMON: I know one thing, they
4 supposed to have gave me a plea bargain,
5 right?
6 MS. BRIDENSTINE: Uh-huh.
7 MR. BLACKMON: They didn't give me
8 nothing.
9 MS. BRIDENSTINE: What were -- what
10 did you think they were supposed to give
11 you?
12 MR. BLACKMON: Time cut off and all
13 that mess they said I did. The law changed
14 since then.
15 MS. BRIDENSTINE: What did you think
16 you were receiving?
17 MR. BLACKMON: They said a life
18 sentence with parole.
19 MS. BRIDENSTINE: Have you ever gone
20 before the parole board?
21 MR. BLACKMON: Yeah, I did that. They
22 keep sending me letters due to the fact
23 your condition can't, you know, let you go
24 -- the same old thing over and over.
25 MS. BRIDENSTINE: What do you remember

1 about your discussions with your attorney
2 about your plea? How did that come about?
3 MR. BLACKMON: We never even ever
4 talked about my plea, nothing. He would
5 say "plead guilty." That's all what he
6 said, and I plead guilty after four or five
7 times of being up in there.
8 MS. BRIDENSTINE: Of being up in
9 where?
10 MR. BLACKMON: The courthouse.
11 MS. BRIDENSTINE: How many times did
12 you talk about a plea with your attorney?
13 MR. BLACKMON: We never even brought
14 that subject up.
15 MS. BRIDENSTINE: Do you remember
16 having a hearing on your -- the statements
17 that you made to Detective Holder and
18 Detective Munday?
19 MR. BLACKMON: I believe so.
20 MS. BRIDENSTINE: What do you remember
21 about that?
22 MR. BLACKMON: I can't -- it's hard to
23 function. I knew everything what they did
24 and what they said was I lied to them, I
25 know that.

1 MS. BRIDENSTINE: Why did you plead
2 guilty?
3 MR. BLACKMON: Because he told me to
4 plead guilty so I plead guilty, but when I
5 was going to court the first three times, I
6 pleaded not guilty, not guilty, not guilty.
7 And then they said "plead guilty," so I
8 just plead guilty, and they just gave me
9 all that time. I didn't know what was
10 going on back then.
11 MS. BRIDENSTINE: Do you remember
12 anything about court when you pled guilty,
13 what happened, what was said?
14 MR. BLACKMON: I don't remember
15 nothing.
16 MS. TANNER: Mr. Blackmon, I know I've
17 been asking you questions here and there,
18 but just as a reminder, I'm Beth, okay.
19 MR. BLACKMON: Yeah.
20 MS. TANNER: I want to go back a
21 little bit to the earlier piece where we
22 were talking about your turban.
23 MR. BLACKMON: Uh-huh.
24 MS. TANNER: What did you wear in New
25 York City (sic) as it related to your

1 turban?
2 MR. BLACKMON: The same thing, the
3 turban, a little black and white, that's
4 all.
5 MS. TANNER: Okay. And in North
6 Carolina, did you go to a barbershop?
7 MR. BLACKMON: Oh, yeah, yeah. Holder
8 and Munday, they took me to the barbershop
9 to get a shave and a haircut.
10 MS. BRIDENSTINE: Why did they do
11 that?
12 MR. BLACKMON: To try to get -- make
13 me seem to be the person they said I was
14 and I was not.
15 MS. TANNER: What barbershop?
16 MR. BLACKMON: I can't remember what
17 street it was on.
18 MS. TANNER: Okay. Was it in Raleigh?
19 MR. BLACKMON: It was in Raleigh.
20 MS. TANNER: Do you remember what was
21 around it?
22 MR. BLACKMON: I don't remember that
23 neither. Now I'm beginning to remember
24 what was going -- that happened now, yeah,
25 because they paid for me to get a haircut

1 and a shave.
2 MS. TANNER: Besides the barbershop
3 you went to with Holder and Munday, before
4 you met them, did you ever go to a
5 barbershop?
6 MR. BLACKMON: Never, never, never,
7 never.
8 MS. TANNER: Okay. How about in New
9 York, did you have a barber or somebody you
10 went to?
11 MR. BLACKMON: Never, never, never.
12 MS. TANNER: Who helped you with your
13 hair?
14 MR. BLACKMON: I was doing an afro
15 then. Huh?
16 MS. TANNER: Go ahead, tell me again.
17 MR. BLACKMON: I was wearing afros
18 back then.
19 MS. TANNER: So listen, obviously, I
20 don't have an afro.
21 MR. BLACKMON: Yeah.
22 MS. TANNER: So tell me what you mean
23 by that.
24 MR. BLACKMON: You know how they have
25 -- remember Michael Jackson he wear his

1 hair like that?
2 MS. TANNER: Uh-huh.
3 MR. BLACKMON: That's called an afro.
4 MS. TANNER: Now, you're holding your
5 hands out this much. Was it big?
6 MR. BLACKMON: No. I'm saying it was
7 a regular size. You know how they have an
8 afro --
9 MS. TANNER: Okay.
10 MR. BLACKMON: -- Michael Jackson used
11 to have an afro, it was like that, but a
12 little shorter, cut down a little about
13 like that there, though.
14 MS. TANNER: Okay. How tall was it on
15 your head, your afro?
16 MR. BLACKMON: About like that.
17 MS. TANNER: Okay. So you --
18 MR. BLACKMON: That's when I had all
19 my hair on my head.
20 MS. TANNER: Okay. I just want to
21 make sure. So you're holding your hands
22 about the length of your face?
23 MR. BLACKMON: Yeah, about like to
24 there.
25 MS. TANNER: Okay. And with cutting

1 your afro, did you go to a barbershop for
2 that?
3 MR. BLACKMON: Never, I never went to
4 -- no. I always had a (indiscernible) on
5 my head.
6 MS. TANNER: Okay. How did you keep
7 your hair neat?
8 MR. BLACKMON: I would comb it and
9 brush it.
10 MS. TANNER: Okay. How about your
11 beard?
12 MR. BLACKMON: I comb it and brush it.
13 MS. TANNER: Okay. Do you remember --
14 now we talked about Mr. -- we talked about
15 Holder and Munday picking you up after the
16 library.
17 MR. BLACKMON: Uh-huh.
18 MS. TANNER: How many times did you
19 visit with Holder and Munday before they
20 took you to the barbershop?
21 MR. BLACKMON: Let's see, about four,
22 five times.
23 MS. TANNER: Okay. So after four or
24 five times, then they took you to the
25 barbershop?

1 MR. BLACKMON: Yeah, yeah.
2 MS. TANNER: Where were you living
3 when they took you to the barbershop on
4 that visit?
5 MR. BLACKMON: I was back in Dorothea
6 Dix then.
7 MS. TANNER: You were in Dorothea Dix.
8 MR. BLACKMON: Yeah, yeah.
9 MS. TANNER: Okay. You said it was
10 warm when you went to Lumberton.
11 MR. BLACKMON: Yeah. Warm when I
12 left, too.
13 MS. TANNER: Okay. It was warm when
14 you left, too?
15 MR. BLACKMON: Yeah. The hot -- the
16 cold weather, freezing on me.
17 MS. TANNER: Where did you go after
18 you left Lumberton?
19 MR. BLACKMON: I came back to Raleigh.
20 MS. TANNER: Okay. Sorry. The friend
21 that you lived with in New York after
22 Attica -- well, let me make sure I'm
23 understanding. You met a friend in Attica?
24 MR. BLACKMON: Yeah.
25 MS. TANNER: And then you lived with

his friend?

MR. BLACKMON: Yeah.

MS. BRIDENSTINE: Do you remember the name of the friend you lived with?

MR. BLACKMON: I can't -- I don't even remember now.

MS. TANNER: Okay. And he had a lady that lived with him?

MR. BLACKMON: Oh, that was in Binghamton, right?

MS. TANNER: Uh-huh. Well, you tell me, but yeah.

MR. BLACKMON: The guy's name, his name was Dot.

MS. TANNER: Doc?

MR. BLACKMON: Dot, like dot, like a dot.

MS. TANNER: Uh-huh.

MR. BLACKMON: And I can't remember his old lady's name, but she was white girl and he was a black guy.

MS. TANNER: So Dot like a dot on a piece of paper?

MR. BLACKMON: Yeah.

MS. TANNER: Okay, got it. And then

1 do you remember any other names that he had
2 like his last name?
3 MR. BLACKMON: No. I don't remember
4 nothing, no, no.
5 MS. TANNER: Okay. And the friend in
6 Attica, do you remember his name?
7 MR. BLACKMON: I don't remember his
8 name either.
9 MS. TANNER: Okay. When you were in
10 New York and you came down to Lumberton
11 when it was warm, was there any time before
12 that that you had come down to Lumberton?
13 MR. BLACKMON: No. That was my first
14 time and only time, then I stayed.
15 MS. TANNER: And what -- how did you
16 get down here to Lumberton?
17 MR. BLACKMON: By bus.
18 MS. TANNER: Okay. What city does the
19 bus or did the bus drop you off in?
20 MR. BLACKMON: It dropped me off in
21 Lumberton.
22 MS. TANNER: Okay. Erma, now I know
23 we talked about you going to Florida some.
24 Did you meet Erma before or after you went
25 to Florida?

1 MR. BLACKMON: Before, before.
2 MS. TANNER: Where?
3 MR. BLACKMON: In Raleigh.
4 MS. TANNER: Where at in Raleigh?
5 MR. BLACKMON: Her apartment.
6 MS. TANNER: Okay. Where did you
7 first meet Erma? So I met my husband in
8 college. Where did you meet Erma?
9 MR. BLACKMON: I met her through a
10 friend, through a friend.
11 MS. TANNER: And the first time you
12 ever saw Erma in person was where?
13 MR. BLACKMON: At her house.
14 MS. TANNER: At her house. Was it
15 cold? Was it warm?
16 MR. BLACKMON: It was chilly, a little
17 breeze.
18 MS. TANNER: Okay. Do you remember
19 what time of year that was?
20 MR. BLACKMON: No, not right off.
21 MS. TANNER: Okay.
22 MS. BRIDENSTINE: And how did you meet
23 Erma again?
24 MR. BLACKMON: Through a friend.
25 MS. BRIDENSTINE: And where were you?

1 MR. BLACKMON: I was at -- where the
2 hell I was at? I was in Dorothea Dix.
3 MS. BRIDENSTINE: So the friend, where
4 was the friend who introduced you?
5 MR. BLACKMON: Hm?
6 MS. BRIDENSTINE: Where was the friend
7 who introduced you?
8 MR. BLACKMON: He was -- his name was
9 -- I can't remember his name. His name was
10 William Jones.
11 MS. BRIDENSTINE: Where did you meet
12 Mr. Jones?
13 MR. BLACKMON: I met him at Dorothea
14 Dix.
15 MS. BRIDENSTINE: And Mr. Jones was
16 friends with Erma Williams?
17 MR. BLACKMON: Yeah, yeah.
18 MS. TANNER: Was Mr. Jones a patient?
19 MR. BLACKMON: He was, yeah.
20 MS. TANNER: And how about Ms.
21 Williams?
22 MR. BLACKMON: She used to be, but she
23 was out by then.
24 MS. TANNER: Okay.
25 MS. TANNER: Your job at Black &

1 Decker, I want to make sure I'm
2 understanding this.
3 MR. BLACKMON: Yeah.
4 MS. TANNER: How long had you been
5 dating Erma before you started that job?
6 MR. BLACKMON: I'd say about four,
7 five months.
8 MS. TANNER: Okay. And then you
9 started your job at Black & Decker?
10 MR. BLACKMON: Yeah.
11 MS. TANNER: And while you were in
12 North Carolina either at Lumberton or in
13 Raleigh or anywhere, you had no other job
14 besides this one at Black & Decker?
15 MR. BLACKMON: That's it.
16 MS. TANNER: And I want to go back to
17 when you were in New York with Peggy
18 Labarr.
19 MR. BLACKMON: Uh-huh.
20 MS. TANNER: Did you work when you
21 were dating her?
22 MR. BLACKMON: No, no, I wasn't.
23 MS. TANNER: You weren't, okay. And
24 how about when you were living at the YMCA,
25 did you work then?

1 MR. BLACKMON: No, I wasn't.
2 MS. TANNER: Okay. And what was the
3 job you held -- what jobs did you have at
4 any time when you were in New York?
5 MR. BLACKMON: I was working at
6 McDonald's.
7 MS. TANNER: Okay.
8 MR. BLACKMON: And I had a job of
9 putting frames together, like wood, wood
10 frames, putting -- sanding them and putting
11 them together, and that was about it.
12 MS. TANNER: Okay. So a McDonald's
13 job and then putting wood frames together?
14 MR. BLACKMON: Yeah, yeah.
15 MS. TANNER: Any other job that you
16 had in New York?
17 MR. BLACKMON: No, no.
18 MS. TANNER: When you were working at
19 McDonald's, where were you living?
20 MR. BLACKMON: I had my own apartment
21 then.
22 MS. TANNER: Okay. And when you were
23 putting the frames together, where were you
24 working then -- where were you living then?
25 MR. BLACKMON: I was living with my

1 brother.
2 MS. BRIDENSTINE: In what city?
3 MR. BLACKMON: That was in, yeah,
4 Syracuse.
5 MS. TANNER: Okay.
6 MS. BRIDENSTINE: So was this before
7 you went to Attica?
8 MR. BLACKMON: After. I was out by
9 then. That been a long time ago.
10 MS. TANNER: Okay.
11 MS. BRIDENSTINE: So after Attica you
12 lived where in New York?
13 MR. BLACKMON: I had my own apartment
14 then. I don't remember what street it was
15 on and everything.
16 MS. BRIDENSTINE: Remember what city?
17 MR. BLACKMON: Huh?
18 MS. BRIDENSTINE: What city or town?
19 MR. BLACKMON: It was in -- what's
20 that question again?
21 MS. BRIDENSTINE: After Attica, do you
22 remember what city or town you were living
23 in?
24 MR. BLACKMON: Oh, after I got out of
25 Attica?

1 MS. BRIDENSTINE: Uh-huh.
2 MR. BLACKMON: I went to Binghamton.
3 MS. BRIDENSTINE: Did you go to
4 Syracuse after Attica?
5 MR. BLACKMON: No. I went straight to
6 Binghamton.
7 MS. BRIDENSTINE: Did you ever live in
8 Syracuse?
9 MR. BLACKMON: Yeah, but that's where
10 my stepfather and stepmother were living.
11 That's where they brought us when we was
12 children coming up. I was raised up in
13 upstate New York.
14 MS. BRIDENSTINE: So when you had that
15 job at McDonald's and the frames, where
16 were you living?
17 MR. BLACKMON: I was -- I lived with
18 my brother.
19 MS. BRIDENSTINE: And that was in?
20 MR. BLACKMON: Syracuse.
21 MS. TANNER: Okay.
22 MS. BRIDENSTINE: All right.
23 MS. TANNER: Do you remember the name
24 of the business you were putting frames
25 together for?

1 MR. BLACKMON: No. It's been a long
2 time, no.
3 MS. TANNER: What kind of frames?
4 MR. BLACKMON: You know how -- picture
5 frames --
6 MS. TANNER: Like picture frames?
7 MR. BLACKMON: -- you got to sand them
8 and stuff --
9 MS. TANNER: Yeah.
10 MR. BLACKMON: -- then put them
11 together.
12 MS. TANNER: Okay.
13 MR. BLACKMON: Yeah, sand them, yeah.
14 MS. TANNER: Okay. And was that like
15 a store somewhere?
16 MR. BLACKMON: It was a wood factory.
17 MS. TANNER: At a factory.
18 MR. BLACKMON: Yeah, make wood frames
19 and stuff like that.
20 MS. TANNER: Okay. I want to -- we
21 talked about the library in Raleigh, and we
22 talked about the lady at Black & Decker in
23 Raleigh.
24 MR. BLACKMON: Yeah.
25 MS. TANNER: Was there ever another

time where you got in trouble with any ladies?

MR. BLACKMON: No, never no time, never.

MS. TANNER: Okay.

MR. BLACKMON: Not nothing. That was the first time and the last time.

MS. TANNER: Okay.

MS. BRIDENSTINE: Did you ever visit any college campuses in Raleigh?

MR. BLACKMON: None that I know of. Oh, yes, Shaw University.

MS. BRIDENSTINE: What did you do there?

MR. BLACKMON: I lived with a lady and she was -- I can't remember, but I used to talk to her. I can't remember who she was, though. I used to go there and go to the library a lot.

MS. BRIDENSTINE: Where is Shaw University? Where is Shaw?

MR. BLACKMON: I never been to Shaw University. I'm saying -- yeah, Shaw University, yeah.

MS. BRIDENSTINE: Have you been there?

1 MR. BLACKMON: yeah, I've been to Shaw
2 University, yeah.
3 MS. BRIDENSTINE: Where would you go?
4 MR. BLACKMON: I used to go to the
5 library, read -- get books out and read and
6 talk to the -- she was the half-president,
7 manager. I used to talk to her. That was
8 about it.
9 MS. TANNER: Do you remember her name?
10 MR. BLACKMON: It's been a long time.
11 And then when they arrested me, I had her
12 phone number. I called her. They was
13 trying to get me some help, but I lost
14 everything I had. It's been a long time.
15 MS. TANNER: The person -- was there
16 just one person at Shaw University you talked
17 to?
18 MR. BLACKMON: Yeah, this one, yeah.
19 MS. TANNER: Did you talk to him about
20 this case?
21 MR. BLACKMON: That was a woman.
22 MS. TANNER: Oh, okay, talk to her.
23 Did you talk to her about this case?
24 MR. BLACKMON: I didn't even know
25 nothing about the case.

1 MS. TANNER: Okay.
2 MR. BLACKMON: Nothing.
3 MS. TANNER: Did you talk to her about
4 Detectives Holder and Munday, their
5 interviews?
6 MR. BLACKMON: No, I never -- no, no,
7 no.
8 MS. TANNER: Okay. And you don't
9 remember her name?
10 MR. BLACKMON: Don't remember her
11 name.
12 MS. TANNER: Okay. How many times did
13 you go visit her at Shaw?
14 MR. BLACKMON: Every often -- every
15 now and then I'd go talk to her, sit there
16 and talk to her, and she gave me good
17 advice.
18 MS. TANNER: What did she give you
19 advice about?
20 MR. BLACKMON: About trying to get my
21 education together.
22 MS. BRIDENSTINE: When did you go
23 visit Shaw? Where were you living?
24 MR. BLACKMON: I was living with my
25 girlfriend, Erma.

1 MS. TANNER: When you were living with
2 Erma, I know you said you were going to
3 Shaw some, what else did you and Erma like
4 to do?
5 MR. BLACKMON: Go out for walks, go to
6 the park, go out walking at night. It's two
7 lovely people, that's all.
8 MS. TANNER: What parks did you like
9 to visit with her?
10 MR. BLACKMON: Pullen Park, we used to
11 go there sometime or go out walking at
12 night. That's about it.
13 MS. TANNER: How about you, what did
14 you like to do if Erma wasn't with you?
15 MR. BLACKMON: She always was. I was
16 never alone.
17 MS. TANNER: She was always with you?
18 MR. BLACKMON: I ain't got nothing to
19 say about that.
20 MS. TANNER: What about you said you
21 liked to go on walks. Did you have like a
22 particular path you took?
23 MR. BLACKMON: No, no. We just walked
24 together. You know how you get together
25 and go for like a little moon walk.

1 MS. TANNER: Uh-huh.
2 MR. BLACKMON: Do a little coochie-
3 woochie (sic) in the dark.
4 MS. TANNER: Okay. Before you lived
5 with Erma, remind me again, where were you?
6 MR. BLACKMON: Hm?
7 MS. TANNER: Where were you before you
8 lived with Erma?
9 MR. BLACKMON: I was in Dorothea Dix.
10 MS. TANNER: Okay.
11 MR. BLACKMON: I mean, yeah, yeah,
12 Dorothea Dix.
13 MS. TANNER: Okay. And before
14 Dorothea Dix?
15 MR. BLACKMON: I was in Lumberton
16 then.
17 MS. TANNER: Okay. Did you -- when
18 you were in Lumberton, was there ever
19 occasion for you to leave Lumberton and go
20 visit Raleigh?
21 MR. BLACKMON: No.
22 MS. TANNER: Okay.
23 MR. BLACKMON: The only time I came
24 back, when I called the police for them to
25 come and pick me up and bring me back.

1 MS. BRIDENSTINE: When was that?
2 MR. BLACKMON: I don't remember when
3 that was. That's been a long time.
4 MS. BRIDENSTINE: Who came and -- did
5 someone come and get you?
6 MR. BLACKMON: Holder and Munday, they
7 come and got me to bring me back to
8 Raleigh. And when they brought me back, I
9 went to -- (indiscernible) -- I believe I
10 went to Dix, then from Dix back with my
11 girl.
12 MS. BRIDENSTINE: Why did you come
13 back from Lumberton to Raleigh at that
14 point?
15 MR. BLACKMON: Because I wanted to get
16 back with my lady. She was waiting on me.
17 MS. BRIDENSTINE: Which lady?
18 MR. BLACKMON: Erma.
19 MS. BRIDENSTINE: Erma.
20 MR. BLACKMON: Yeah.
21 MS. TANNER: I just want to make sure
22 I'm clear on this because we've had a lot
23 of labels here, okay.
24 MR. BLACKMON: Yeah.
25 MS. TANNER: We were showing you more

1 than one thing at the time.
2 MR. BLACKMON: Uh-huh.
3 MS. TANNER: So I'm going to show you
4 again what we've marked as Exhibit 1. That
5 just helps us mark it.
6 MR. BLACKMON: Yeah.
7 MS. TANNER: Do you recognize the
8 person pictured here?
9 MR. BLACKMON: That don't like -- that
10 ain't never looked nothing like me right
11 there.
12 MS. TANNER: Okay. That's okay. What
13 I want to know is do you --
14 MR. BLACKMON: You can tell that face
15 look like me a little bit, but that's not
16 me.
17 MS. TANNER: Okay. My -- let me make
18 sure I'm clear on this. Do you recognize
19 this person?
20 MR. BLACKMON: No. I don't recognize
21 -- I've never looked nothing like that
22 there.
23 MS. TANNER: Okay. Now I'm going to
24 do the same thing, show you Exhibit 2 since
25 we showed it together. Do you recognize

1 this person?
2 MR. BLACKMON: No. Never saw him
3 never in my life.
4 MS. TANNER: Okay.
5 MR. BLACKMON: See how his teeth --
6 look at his teeth. Look at his teeth,
7 look. You see that? .
8 MS. TANNER: So tell me -- actually, I
9 was going to ask you about your teeth. How
10 long have you been missing your bottom
11 tooth?
12 MR. BLACKMON: Oh, about four years.
13 MS. TANNER: About four -- did you
14 lose it in prison?
15 MR. BLACKMON: Yeah, I lost it in
16 prison.
17 MS. TANNER: Okay. And so before
18 that, you had all your teeth?
19 MR. BLACKMON: That's not me, though.
20 MS. TANNER: Oh, I know. I just was
21 going to ask you about that separately. I
22 just wanted to know about that.
23 MR. BLACKMON: Yeah. Yeah.
24 MS. TANNER: Okay. And the -- we've
25 talked a little bit about the librarian and

1 that incident. What was her name, the
2 librarian?
3 MR. BLACKMON: I can't remember. I
4 don't remember her name.
5 MS. TANNER: Okay. And you mentioned
6 to Ms. Bridenstine that you had never
7 carried a knife.
8 MR. BLACKMON: Never, knife, gun,
9 nothing.
10 MS. TANNER: Okay. That was -- you're
11 kind of getting to my question.
12 MR. BLACKMON: I always using them
13 right there.
14 MS. TANNER: Right. So we talked
15 about you being on the street.
16 MR. BLACKMON: Yeah.
17 MS. TANNER: And you said you always
18 used them right there, and you held up your
19 fists. Was there --
20 MR. BLACKMON: No, no. I'm
21 (indiscernible) in a fight or get in
22 trouble, then I use my hands. I don't use
23 no knife or a gun.
24 MS. TANNER: Right. Was there ever a
25 time that you used a weapon --

1 MR. BLACKMON: Never, never.
2 MS. TANNER: -- besides what was
3 attached to your body?
4 MR. BLACKMON: Never, never, never,
5 never, never, never in my life.
6 MS. TANNER: Okay.
7 MS. BRIDENSTINE: I had a couple
8 questions about --
9 MR. BLACKMON: Yeah.
10 MS. BRIDENSTINE: -- when you met with
11 Detectives Munday and Holder.
12 MR. BLACKMON: Uh-huh.
13 MS. BRIDENSTINE: Do you remember
14 going with them to the campus of St.
15 Augustine?
16 MR. BLACKMON: Oh, yeah. Oh, yeah.
17 MS. BRIDENSTINE: What do you remember
18 about that?
19 MR. BLACKMON: At first, they said --
20 everything what they said out of their
21 mouth, that's what I said because I was all
22 messed up. Everything they said that I did
23 I admitted to it. And then when they took
24 me to the dorm where the girl got killed
25 there, right, they said that the guy came

1 in the bottom door.
2 MS. BRIDENSTINE: Which door?
3 MR. BLACKMON: Downstairs, the foot of
4 where, you know, where the (indiscernible)
5 rooms are. It was downstairs in the back,
6 and that the back downstairs, that door had
7 never been opened, never been touched in my
8 life, nothing, never been open. And then
9 they said that I was supposed to have been
10 up there in the bathroom, put a knife on
11 the girl's throat, bringing her back to the
12 room. Can't find the blood, no DNA,
13 nothing, no nothing. And I never did
14 nothing like that in my life, never in my
15 life.
16 MS. BRIDENSTINE: Had you ever been to
17 that dorm before?
18 MR. BLACKMON: Never, never, no,
19 never, never, no. The only place I used to
20 go is Shaw University.
21 MS. BRIDENSTINE: So tell me about
22 that visit, though, with the --
23 MR. BLACKMON: Holder and Munday?
24 MS. BRIDENSTINE: Uh-huh. How did
25 that start off? How did that go? Walk us

1 through that.
2 MR. BLACKMON: At first, they called
3 me down to the office and they had me
4 saying if you agree with what they said, I
5 did, and I admit to saying everything. I
6 didn't know what I was doing. I've been
7 too gullible for people. I like to be nice
8 (indiscernible). I give them an arm and a
9 leg. You know what I'm saying? I don't
10 know what's going on.
11 MS. BRIDENSTINE: So what happened
12 after you went to campus with them? Do you
13 remember anyting from that?
14 MR. BLACKMON: Where, to --
15 MS. BRIDENSTINE: When you went to St.
16 Augustine's with Detectives Holder and
17 Munday, what happened?
18 MR. BLACKMON: Oh, oh, they said they
19 want me to show them how I got into the
20 room and everything and I killed the girl,
21 right? Now I was (indiscernible), you know
22 like they had the rooms down the bottom --
23 they had downstairs on the campus, you had
24 to go up to the -- to go up to the dorm --
25 MS. BRIDENSTINE: Uh-huh.

1 MR. BLACKMON: -- I said I came
2 through that door. That door had never
3 been opened in its life, and they said the
4 girl got killed on the sixth or seventh
5 floor. They said "Take us to the room that
6 she got killed on --"
7 MS. BRIDENSTINE: On the what floor?
8 MR. BLACKMON: How many floors there,
9 six or seven? I can't remember how many
10 floors there was there, and they said "Now
11 take us to the room where you killed the
12 girl. That's crazy. They say "Take us to
13 the room." I took them to the room. All
14 that was wrong, too. They said I had a
15 knife in front of her throat, right, but I
16 bring her out of the bathroom because I
17 supposedly cut her when she was in there,
18 and they ain't got evidence of that
19 neither. That's crazy.
20 MS. BRIDENSTINE: Where? Which room?
21 What are you talking about?
22 MR. BLACKMON: I don't know. They
23 said some room up there I supposedly killed
24 the girl there.
25 MS. BRIDENSTINE: Okay.

1 MR. BLACKMON: And there was supposed
2 to be blood. They couldn't find nothing.
3 I never killed no woman in my life, black
4 or white.
5 MS. TANNER: Can you explain more to
6 me about when you say that door had never
7 been open.
8 MR. BLACKMON: No, downstairs --
9 MS. TANNER: Yes, sir.
10 MR. BLACKMON: -- they said they want
11 me to show them how I got in, right.
12 MS. TANNER: Okay.
13 MR. BLACKMON: You know how the ground
14 floor is as they come in the door --
15 MS. TANNER: Okay.
16 MR. BLACKMON: -- (indiscernible)
17 there and you walk up the steps, they had
18 the ground floor in the back of the dorm.
19 The ground floor in the back at that dorm
20 was never open in its life.
21 MS. BRIDENSTINE: And how do you know
22 that?
23 MR. BLACKMON: Because there was no
24 fingerprints on it. It was clapped
25 together (sound of clapping). Dust and

1 everything was on that door. I never went
2 in that door or back door they said they
3 had killed that girl in in the bottom floor
4 there, one step up the steps, and then they
5 say about sixth or seventh floor I
6 supposedly killed her in her room. I
7 supposedly taken out of the bathroom into
8 her room and cut her and killed her and all
9 that. They couldn't find nothing like
10 that.
11 MS. TANNER: Okay. Mr. Blackmon, what
12 is your understanding of this crime?
13 MR. BLACKMON: Crazy.
14 MS. TANNER: Okay. So what you're
15 talking about is a door that you went and
16 you had -- and it was dusty when you went?
17 MR. BLACKMON: No. I'm saying they
18 had the cop -- the cops came and --
19 MS. TANNER: Yes, sir.
20 MR. BLACKMON: -- the door had never
21 touched or opened.
22 MS. TANNER: Okay. And how do -- what
23 makes you believe that that was true? Tell
24 me again.
25 MR. BLACKMON: Because they said I

1 came through the door. I actually wasn't
2 coming through -- I said the back door.
3 That door didn't open since we was going up
4 there to -- what campus it was.
5 MS. TANNER: What now?
6 MR. BLACKMON: St. Augustine.
7 MS. TANNER: Okay.
8 MR. BLACKMON: That door had never,
9 never, never been open.
10 MS. TANNER: Okay. So that's helpful
11 for me to understand that when you went
12 there, it was your understanding that that
13 door had never been open?
14 MR. BLACKMON: Yeah. It wasn't
15 because everything was concealed together.
16 MS. TANNER: Okay. Help me understand
17 what you mean by that. What do you mean
18 everything was concealed together?
19 MR. BLACKMON: What I'm saying that
20 that door has never been entered.
21 MS. TANNER: Okay.
22 MR. BLACKMON: It had dust and
23 everything over that door.
24 MS. TANNER: It had dust over the
25 door.

1 MR. BLACKMON: In order to get in that
2 door, you got to open it and you got
3 fingerprints. It can't open. It won't
4 even open.
5 MS. TANNER: Okay. When you went to
6 St. Augustine's, the door you're talking
7 about downstairs in the back --
8 MR. BLACKMON: Yeah.
9 MS. TANNER: -- would not open?
10 MR. BLACKMON: Like I said, it's never
11 been open. It will, but it still didn't
12 open.
13 MS. TANNER: Okay. And it's never
14 been open?
15 MR. BLACKMON: No, no.
16 MS. TANNER: And you said that there
17 was dust across it?
18 MR. BLACKMON: Everything.
19 MS. TANNER: Was there any other
20 reason for you to believe that that door
21 had not been opened before?
22 MR. BLACKMON: Because when the police
23 took me there, they looked. Everybody
24 could tell and see that it's never been
25 open.

1 MS. BRIDENSTINE: What did the police
2 tell you?
3 MR. BLACKMON: I'm saying everybody
4 could see that the door has never ever been
5 open.
6 MS. BRIDENSTINE: Why did you think it
7 was --
8 MR. BLACKMON: I don't know. I was
9 just going by what they said. I wasn't
10 using my own reason. I was using their
11 reason.
12 MS. TANNER: Okay.
13 MR. BLACKMON: I wasn't using my own
14 reason. I was using their reason.
15 MS. TANNER: And when you -- so when
16 you went to St. Augustine's, and we're
17 talking about this back door --
18 MR. BLACKMON: Yeah.
19 MS. TANNER: -- do you remember the
20 name of the building?
21 MR. BLACKMON: No, I don't remember
22 the name of the building.
23 MS. TANNER: Okay.
24 MR. BLACKMON: I don't remember
25 nothing.

1 MS. TANNER: And when you went to the
2 back door, what did you do?
3 MR. BLACKMON: I didn't do nothing.
4 MS. TANNER: Okay.
5 MR. BLACKMON: They said I came
6 through from the back door.
7 MS. TANNER: Okay. And where did you
8 go? Did you go to the back door?
9 MR. BLACKMON: No, they didn't ever
10 see no (indiscernible).
11 MS. TANNER: Okay. So let me clear on
12 what I'm asking. When you were with
13 Detectives Munday and Holder --
14 MR. BLACKMON: Yeah.
15 MS. TANNER: -- did you go to that
16 back door?
17 MR. BLACKMON: Yeah, but what I'm
18 saying we came in the front door.
19 MS. TANNER: You came in the front
20 door.
21 MR. BLACKMON: But he said "How did
22 you come in?" I say "I came in the back
23 door." The door never did open, though.
24 MS. TANNER: Okay. When you visited
25 with Munday and Holder, did you go look at

1 that back door at all?
2 MR. BLACKMON: They said, "How did you
3 get in here?" I say "Through the back
4 door." The back door never was open.
5 MS. BRIDENSTINE: You told them that
6 you came in through the back door?
7 MR. BLACKMON: Yeah. The back door
8 ain't never been open in its life.
9 MS. TANNER: At that visit did you go
10 through that back door?
11 MR. BLACKMON: No, I didn't go through
12 it, no.
13 MS. TANNER: Okay.
14 MR. BLACKMON: That thing, everything
15 was sealed and locked.
16 MS. TANNER: Everything was sealed and
17 locked?
18 MR. BLACKMON: Yeah.
19 MS. TANNER: Okay. Did you try to go
20 through the back door?
21 MR. BLACKMON: No. I didn't even
22 touch the back door.
23 MS. TANNER: Okay.
24 MR. BLACKMON: Not nothing.
25 MS. TANNER: And where did you go

1 after you came in the first floor and had
2 this discussion about the back door? What
3 happened next with Munday and Holder?
4 MR. BLACKMON: Oh, then they said
5 "Take us up to the floor that you killed
6 that girl on," right. Because they told
7 me, they said that girl was killed, she was
8 -- they grabbed her out of the bathroom and
9 brought her to her room. She was cut open
10 and killed.
11 MS. TANNER: Okay. So where did you
12 go next?
13 MR. BLACKMON: I didn't go nowhere.
14 MS. TANNER: Okay. Was there occasion
15 during that visit that you were -- you went
16 to a different floor besides the first
17 floor?
18 MR. BLACKMON: They said -- I don't
19 know what floor they're on, but they said
20 the girl got killed upstairs somewhere.
21 They didn't say "Show us where you killed
22 her," so I went to the fourth, fifth, or
23 sixth floor, something, and that was it.
24 MS. TANNER: Okay. How many floors
25 did you visit in that building that day?

MR. BLACKMON: About three.

MS. TANNER: About three.

MR. BLACKMON: Yeah.

MS. TANNER: Okay. And what bathrooms on those floors did you visit?

MR. BLACKMON: I never did visit no damn one.

MS. TANNER: Okay. So when you were with Munday and Holder --

MR. BLACKMON: Uh-huh.

MS. TANNER: -- you started at the bottom floor --

MR. BLACKMON: Yeah.

MS. TANNER: -- then you went up to maybe three other floors?

MR. BLACKMON: Yeah, yeah, yeah, yeah.

MS. TANNER: Okay. At your first stop at a different floor besides the bottom floor --

MR. BLACKMON: Yeah, uh-huh.

MS. TANNER: -- what did you do?

MR. BLACKMON: He said "Show us where the girl was killed and what room that she was in," right?

MS. TANNER: Uh-huh.

1 MR. BLACKMON: So I said the bathroom
2 and I took -- they showed me some room and
3 that was it.
4 MS. TANNER: Okay. Was there only one
5 bathroom that you saw that day on the
6 campus?
7 MR. BLACKMON: That's the only one
8 they say what happened.
9 MS. TANNER: Okay. And how many
10 bedrooms did you look in that day on
11 campus?
12 MR. BLACKMON: Only one.
13 MS. TANNER: Okay. When you went to
14 three different floors, so there's only one
15 bathroom and one bedroom that you saw, what
16 happened on the other two floors?
17 MR. BLACKMON: I never did go to other
18 two floors.
19 MS. TANNER: Okay. And where did you
20 go first when you went to the floor where
21 you went to the bathroom and the bedroom?
22 MR. BLACKMON: The first was
23 downstairs.
24 MS. TANNER: Okay. Did you go to a
25 bathroom and a bedroom downstairs?

1 MR. BLACKMON: No. They said the
2 bathroom -- upstairs.
3 MS. TANNER: Okay.
4 MS. BRIDENSTINE: Who said that?
5 MR. BLACKMON: That's what Munday and
6 Holder told me.
7 MS. TANNER: Okay.
8 MR. BLACKMON: So everything that they
9 said I did, I just followed everything what
10 they said, I said.
11 MS. TANNER: Okay.
12 MR. BLACKMON: I wasn't thinking on my
13 own. I was thinking what they told me to
14 think.
15 MS. TANNER: What was your
16 understanding of where this girl was
17 killed?
18 MR. BLACKMON: I don't know.
19 MS. TANNER: Okay.
20 MR. BLACKMON: I don't -- I mean, I
21 don't know, never seen it, don't know
22 nothing.
23 MS. TANNER: I understand. What were
24 you told on that day you visited St.
25 Augustine about where that girl was killed?

1 MR. BLACKMON: He had the whole damn
2 plan mapped out. Everything Holder and
3 Munday said I admit to it. I said the same
4 the plain words that they said I said, the
5 same words.
6 MS. TANNER: I understand. So what
7 did they say about the location of where
8 she was killed?
9 MR. BLACKMON: They didn't say
10 nothing.
11 MS. TANNER: Okay. You don't recall
12 any conversations about them discussing
13 with you where the victim was killed?
14 MR. BLACKMON: Oh, yeah, yeah, yeah,
15 yeah. Even before we got there they said
16 all that.
17 MS. TANNER: Okay. Tell me what they
18 told you about that.
19 MR. BLACKMON: It's hard for me to
20 think.
21 MS. TANNER: I understand.
22 MR. BLACKMON: What I'm saying --
23 MS. TANNER: Take your time.
24 MR. BLACKMON: What I'm saying,
25 though, they -- this is hard for me to

1 think.
2 MS. TANNER: Okay.
3 MR. BLACKMON: It's hard for me to
4 think.
5 MS. TANNER: Were you told whether
6 this person was killed in a bedroom or in a
7 bathroom?
8 MR. BLACKMON: In a bedroom.
9 MS. TANNER: Okay.
10 MR. BLACKMON: They said I supposed to
11 have brought her out of the bathroom into
12 her dorm room, and the dorm room, they
13 showed me that she was in, had two beds in
14 it, so she had to have been (indiscernible)
15 with a friend, see what I'm saying, in a
16 room.
17 MS. BRIDENSTINE: Do you remember
18 seeing anyone else in the dorm that day --
19 MR. BLACKMON: No, no --
20 MS. BRIDENSTINE: -- or talking to
21 anyone who worked there or lived there?
22 MR. BLACKMON: Oh, some officer came
23 over here and they had Holder and Munday
24 together. I can't remember who he was.
25 MS. BRIDENSTINE: Another officer was

1 there?
2 MR. BLACKMON: He was a ground
3 officer.
4 MS. BRIDENSTINE: Oh, okay.
5 MR. BLACKMON: Yeah.
6 MS. TANNER: What do you mean by that,
7 "ground officer"?
8 MR. BLACKMON: The officer that be
9 checking the grounds and things.
10 MS. BRIDENSTINE: At St. Augustine's
11 campus?
12 MR. BLACKMON: Yeah, yeah, yeah. They
13 talked to him, but I don't know what's
14 going on, though.
15 MS. TANNER: Okay. So was he
16 associated with St. Augustine's campus or
17 with Raleigh Police?
18 MR. BLACKMON: Yeah, yeah, Augustine
19 campus.
20 MS. TANNER: Got it. Anybody else
21 that you talked to that day?
22 MR. BLACKMON: No. I can't remember
23 nothing. It's hard.
24 MS. TANNER: I understand.
25 MR. BLACKMON: There's been a thousand

1 questions and the same thing, you know.
2 MS. TANNER: I know. Lawyers ask a
3 lot of questions, don't we? That's what we
4 do.
5 MR. BLACKMON: Yeah.
6 MS. TANNER: It's true. You mentioned
7 a Floyd guy with the same identical case.
8 MR. BLACKMON: Uh-huh.
9 MS. TANNER: What same identical case?
10 Do you mean to your criminal case or do you
11 mean to a different kind of case, Floyd?
12 MR. BLACKMON: For what? Floyd?
13 MS. TANNER: Floyd.
14 MR. BLACKMON: No. Floyd, he's the
15 one that was at Dorothea Dix that had been
16 to Florida and everything. They paid him
17 off for lying, saying he did something that
18 he didn't do. And me and his case is kind
19 of similar together.
20 MS. TANNER: Okay. So he was accused
21 of what?
22 MR. BLACKMON: I don't know what he
23 was -- he killed -- I don't know. You know
24 what I'm saying? That's the Floyd guy they
25 have for that charge. You heard about that

in Raleigh, that Floyd guy?

MS. BRIDENSTINE: Is this something recent or something that happened back then?

MR. BLACKMON: This happened about a good 15 years back.

MS. BRIDENSTINE: Okay. What do you remember about it?

MR. BLACKMON: I just knew that he got paid for them lying on him and saying that he did something what he didn't do. And then his case come almost together.

MS. BRIDENSTINE: And who was lying on him?

MR. BLACKMON: Huh?

MS. BRIDENSTINE: Who was lying on him?

MR. BLACKMON: Huh?

MS. BRIDENSTINE: Who was lying on him?

MR. BLACKMON: Not lying.

MS. BRIDENSTINE: You said someone was lying about it.

MR. BLACKMON: Wait a minute. Oh, I'm saying that they found that what he did, he

1 didn't do. And my case is like similar to
2 his, the same way.
3 MS. BRIDENSTINE: Okay. And what is
4 similar about that, like what do you see is
5 similar?
6 MR. BLACKMON: It's hard. I can't
7 think right now. Sorry.
8 MS. BRIDENSTINE: Okay.
9 MR. BLACKMON: My mind, you know, is
10 going back and forth. It's been a long
11 time.
12 MS. BRIDENSTINE: And this is Floyd,
13 is this someone that you knew or someone
14 that you read about?
15 MR. BLACKMON: No, this -- he was in
16 the newspaper for getting all that money --
17 MS. BRIDENSTINE: Oh.
18 MR. BLACKMON: -- that they tried to
19 kill him. The same thing that happened to
20 him at Dix happened to me. And he been to
21 California to Florida, and the same thing
22 happened to him out there in Florida, too,
23 the same thing.
24 MS. BRIDENSTINE: Okay. So he was
25 also in Dorothea Dix --

1 MR. BLACKMON: Back then, though, but
2 I never did know him.
3 MS. TANNER: Okay.
4 MR. BLACKMON: See what I'm saying? I
5 never did know him.
6 MS. TANNER: You said you got advice
7 from somebody at Shaw University or that
8 the person there gave you good advice.
9 MR. BLACKMON: I can't remember the
10 lady's name, but it's been a long time.
11 MS. TANNER: It has.
12 MR. BLACKMON: She don't work there no
13 more over there.
14 MS. TANNER: Oaky.
15 MR. BLACKMON: She moved on.
16 MS. TANNER: Was there anybody that
17 you asked for advice about related to your
18 talks with Munday and Holder?
19 MR. BLACKMON: Oh, yeah. When I was
20 in jail, right, for my case, I called her
21 on the phone and was talking to her. I
22 lost her phone number. I couldn't get in
23 contact with her no more.
24 MS. TANNER: Okay. Was there anybody
25 else besides her that you talked to about

1 your interviews with Munday and Holder?
2 MR. BLACKMON: No, nobody, nobody.
3 MS. TANNER: Okay. Does any of your
4 family come to visit you?
5 MR. BLACKMON: They used to, but all
6 of them dead now except my brother and my
7 sister and my aunt. They're the only ones
8 living.
9 MS. TANNER: When was the last --
10 MR. BLACKMON: All my people passed
11 away since I've been locked up.
12 MS. TANNER: Okay. When was the last
13 time you visited or spoke with your
14 brother?
15 MR. BLACKMON: It's been about five or
16 eight years.
17 MS. BRIDENSTINE: Which brother are we
18 talking about?
19 MR. BLACKMON: Freddie.
20 MS. BRIDENSTINE: Freddie.
21 MR. BLACKMON: I need you to get my
22 brother's phone number for me.
23 MS. TANNER: We can get that.
24 MR. BLACKMON: You got it?
25 MS. MCNEILL: If I don't have it, they

1 have it.
2 MS. MCNEILL: Yeah. We can find it.
3 MS. MCNEILL: I'll get it to you.
4 MR. BLACKMON: But what I'm saying,
5 though, they gave me a number, I tried to
6 call (indiscernible) always off and on.
7 MS. MCNEILL: Oh, okay, okay. Well, I
8 can give you what we can find. I'll try.
9 MR. BLACKMON: But you said my
10 brother, he called, got in contact with you
11 about me?
12 MS. MCNEILL: Yeah, he did, so I can
13 give you the number that he gave me.
14 MR. BLACKMON: I need that, yeah.
15 MS. MCNEILL: Okay.
16 MR. BLACKMON: Thank you.
17 MS. MCNEILL: I'll have to -- I'll go
18 -- when I get back to the office, I'll look
19 for it.
20 MR. BLACKMON: You'll send it to them?
21 MS. MCNEILL: Yeah.
22 MR. BLACKMON: All right. I
23 appreciate that because I don't know what's
24 going on.
25 MS. TANNER: Mr. Thompson who is your

1 friend --
2 MR. BLACKMON: Yeah.
3 MS. TANNER: -- did he ever go to
4 school?
5 MR. BLACKMON: Oh, yeah. He went to
6 Shaw University.
7 MS. TANNER: He went to Shaw?
8 MR. BLACKMON: He went for business
9 administration, got a job for business
10 administration. Then later on he got real
11 sick because he's a Vietnam vet. He got
12 real sick real bad, arms. Everything got
13 (indiscernible) with him.
14 MS. TANNER: Was there ever occasion
15 for you to visit him when he was going to
16 Shaw University?
17 MR. BLACKMON: No, no, never.
18 MS. TANNER: Okay. And when he went
19 to Shaw, did he live there?
20 MR. BLACKMON: I don't know where he
21 lived. He probably had a room somewhere.
22 I don't know.
23 MS. TANNER: Okay. Was there ever a
24 school that Mr. Thompson was at that you
25 visited him at school?

1 MR. BLACKMON: No, never.
2 MS. TANNER: Okay.
3 MR. BLACKMON: That was my best buddy
4 right there.
5 MS. TANNER: Uh-huh. When was the
6 last time you talked to him?
7 MR. BLACKMON: Been ages.
8 MS. TANNER: Ages?
9 MR. BLACKMON: Yeah. His phone number
10 was not working neither.
11 MS. TANNER: Okay.
12 MR. BLACKMON: Everybody is moving on.
13 MS. TANNER: Okay.
14 MS. BRIDENSTINE: When was the last
15 time you saw someone, visited you here?
16 MR. BLACKMON: I haven't seen my
17 brother in about four, five years now.
18 MS. BRIDENSTINE: What about your
19 sister?
20 MR. BLACKMON: I don't know what she
21 doing, but my brother came to see me when I
22 was in Raleigh for the -- I didn't even --
23 for the first time. I didn't even know who
24 the hell he was.
25 MS. BRIDENSTINE: When was that?

1 MR. BLACKMON: The first time -- it was
2 my first time seeing him. I never seen him
3 before.
4 MS. BRIDENSTINE: No, I mean, when did
5 you see him in Raleigh?
6 MR. BLACKMON: About five years ago --
7 MS. BRIDENSTINE: Okay.
8 MR. BLACKMON: -- when I was up there
9 in Raleigh.
10 MS. BRIDENSTINE: Is that -- were you
11 at Central or --
12 MR. BLACKMON: Yes, Central Prison,
13 mental health. First time I ever seen my
14 brother.
15 MS. TANNER: And, Mr. Blackmon, I may
16 have asked you this before, but just so I'm
17 clear, when you were working for Black &
18 Decker, was it only one building that you
19 worked in as a custodian?
20 MR. BLACKMON: Yeah, one building,
21 yeah.
22 MS. TANNER: Okay.
23 MR. BLACKMON: We had our own floors.
24 MS. TANNER: Okay. And that was the
25 place where they made the batteries and the

1 flashlights?
2 MR. BLACKMON: Yeah, all that stuff,
3 saw machines and all that stuff.
4 MS. TANNER: Okay. Was that in the
5 building where you were working?
6 MR. BLACKMON: No. That was
7 downstairs. That was like -- I was
8 upstairs. I was cleaning the rooms, the
9 offices and stuff.
10 MS. TANNER: Offices?
11 MR. BLACKMON: Offices and rooms and
12 vacuumed the floor.
13 MS. TANNER: Okay. And there was no
14 other building at Black & Decker sent you
15 to to go clean?
16 MR. BLACKMON: No, no, no.
17 MS. TANNER: Okay.
18 MS. TANNER: I think other than that
19 in the last few.
20 MS. BRIDENSTINE: Uh-huh. Do you want
21 to -- do you recognize this? I'm going to
22 mark it as Exhibit 5.
23 MR. BLACKMON: That don't look nothing
24 like me. I know that. No way.
25 MS. BRIDENSTINE: Have you ever seen

it before?

MR. BLACKMON: Never, never, never. Who the hell is that?

MS. BRIDENSTINE: Just asking if you recognize it.

MR. BLACKMON: It's not -- but kind of the face looks like me, but that's not me, though. How old is that picture right there?

MS. BRIDENSTINE: That's pretty old. Have you ever seen it before?

MR. BLACKMON: Never in my life.

MS. BRIDENSTINE: Okay.

MR. BLACKMON: Never have I seen pictures like that, never. Everybody got twins. It makes it like -- you know that, don't you?

MS. BRIDENSTINE: Everybody has what?

MR. BLACKMON: Twins and --

MS. TANNER: That's true.

MR. BLACKMON: Everybody do.

MS. TANNER: I think that's probably true.

MR. BLACKMON: For real.

MS. BRIDENSTINE: Doppleganger. I

1 think it's sometimes called a doppelganger,
2 someone who looks just like you.
3 MR. BLACKMON: Yeah, yeah. It's like
4 that. Now they're for real, though.
5 MS. BRIDENSTINE: All right. So you
6 think it's a real thing?
7 MR. BLACKMON: What?
8 MS. BRIDENSTINE: You think it's a
9 real thing?
10 MS. TANNER: Doppelgangers?
11 MR. BLACKMON: What?
12 MS. TANNER: The doppelgangers.
13 MR. BLACKMON: What's that?
14 MS. BRIDENSTINE: It's like someone
15 who looks exactly like you.
16 MR. BLACKMON: Oh, yeah, yeah, yeah,
17 yeah.
18 MS. BRIDENSTINE: But is not related
19 to you.
20 MR. BLACKMON: No, no. Yeah, yeah,
21 yeah, yeah.
22 MS. BRIDENSTINE: Okay.
23 MS. TANNER: I do have one more,
24 sorry. We talked about the library and we
25 talked about the lady at Black & Decker.

1 Did you ever get in trouble related to a
2 lady in a bathroom besides what we've
3 talked about today?
4 MR. BLACKMON: Oh, never, never, never
5 in my life, never, never, never, never in
6 my life.
7 MS. TANNER: Okay.
8 MR. BLACKMON: Never.
9 MS. BRIDENSTINE: I just want to ask
10 you a couple questions. When you were in
11 the lineup, you said you were at Central
12 Prison?
13 MR. BLACKMON: Yes, ma'am.
14 MS. BRIDENSTINE: Do you remember why
15 you were at Central Prison?
16 MR. BLACKMON: Let's see -- (pause) I
17 had nowhere else to go but to Dorothea Dix.
18 MS. BRIDENSTINE: So do you remember
19 when -- was this before you went to
20 Dorothea Dix, after?
21 MR. BLACKMON: What's that?
22 MS. BRIDENSTINE: The lineup, do you
23 remember --
24 MR. BLACKMON: Oh, no. The lineup was
25 over there at Central Prison, the old

1 Central Prison.
2 MS. BRIDENSTINE: Okay. Do you
3 remember when that happened?
4 MR. BLACKMON: No. It's been years.
5 But you know something else, too? When
6 they had me on the lineup -- no, I don't
7 know nothing. I don't know.
8 MS. TANNER: Did it happen at Central
9 Prison?
10 MR. BLACKMON: What's that?
11 MS. TANNER: The lineup.
12 MR. BLACKMON: Oh, yeah, yeah, the
13 lineup was at Central back in the days,
14 yeah. That was a long time ago.
15 MS. TANNER: Out there on Western
16 Boulevard?
17 MR. BLACKMON: I'm saying at Central
18 Prison when I was in the lineup, that's
19 just where it took place at.
20 MS. TANNER: Okay. So you didn't
21 leave the prison for the lineup?
22 MR. BLACKMON: No, I didn't
23 (indiscernible). I've been locked up.
24 I've been locked up. But they said -- the
25 lady said they -- I was in about two or

1 three different lineups back and forth.
2 They couldn't get it right.
3 MS. BRIDENSTINE: You were in more
4 than one?
5 MR. BLACKMON: Yeah, yeah, back and
6 forth, yeah. They couldn't get it right.
7 MS. BRIDENSTINE: Do you remember
8 where you were for those?
9 MR. BLACKMON: It was in Raleigh, old
10 Central Prison. I can't remember, though.
11 That's been a long time ago.
12 MS. BRIDENSTINE: Were they all at
13 Central Prison?
14 MR. BLACKMON: All at Central Prison,
15 all of them at Central Prison. Never --
16 nowhere else.
17 MS. BRIDENSTINE: Did you know why
18 they were doing the lineups with you in
19 them?
20 MR. BLACKMON: Because they were
21 trying to find out if I was the person was
22 killing or not killing that girl.
23 MS. BRIDENSTINE: For this case?
24 MR. BLACKMON: Yeah, yeah.
25 MS. BRIDENSTINE: For the one you're

in prison for now?

MR. BLACKMON: Yeah, yeah, killing the girl. They couldn't find nothing.

MS. TANNER: So how many were there?

MR. BLACKMON: What?

MS. TANNER: How many lineups?

MR. BLACKMON: Lineups? About two or three.

MS. TANNER: Okay.

MR. BLACKMON: No, no. One -- oh, yeah, there was two there. One, that -- and then later on because they couldn't find nothing.

MS. TANNER: So one first and then one later on?

MR. BLACKMON: Yeah, yeah, yeah. That's all that it was.

MS. TANNER: Were they both where you stood with you other men

MR. BLACKMON: Yeah, with other men, yeah. They changed -- I believe they brought some more in, I believe. I don't know for sure. I can't remember.

MS. TANNER: Where did they do that in Central Prison; do you remember, like where

1 would they do that?
2 MR. BLACKMON: No, no. They got
3 lineups everywhere, though.
4 MS. TANNER: Okay.
5 MR. BLACKMON: I can't remember where
6 it was at, but I just know they got them
7 everywhere.
8 MS. TANNER: Okay.
9 MR. BLACKMON: They probably got them
10 here, too.
11 MS. TANNER: Okay.
12 MS. BRIDENSTINE: Mr. Blackmon, did
13 you ever stab a girl at Latham Hall, St.
14 Augustine's in 1979?
15 MR. BLACKMON: Never, I never stabbed,
16 cut nobody in my natural life.
17 MS. BRIDENSTINE: Did you kill Helena
18 Payton?
19 MR. BLACKMON: I don't even know who
20 the hell that girl is. I never seen her in
21 my life. I don't know what's going on.
22 And that right there, that's not my
23 picture. That's somebody else that looks
24 like me.
25 MS. TANNER: Thank you for that

1 information. It's helpful for us.
2 MR. BLACKMON: Yeah, thank you.
3 Everybody got look-alikes, though,
4 everybody.
5 MS. BRIDENSTINE: Do you have any
6 questions or anything?
7 MR. BLACKMON: No. I ain't got
8 nothing to say. I'm just tired of doing
9 time. I want my freedom.
10 MS. TANNER: I understand.
11 MS. BRIDENSTINE: Is there anything
12 else that you think that we should know
13 that's important that we have not gone over
14 yet?
15 MR. BLACKMON: Let me see, I believe
16 you about went over everything. I don't
17 know for sure.
18 MS. TANNER: All right.
19 MR. BLACKMON: I was so nice to
20 people. I give them my shirt, my shoes,
21 and everything, but they had me telling
22 lies on myself, though. These like this
23 sometime.
24 MS. BRIDENSTINE: Now at the time, did
25 you know you were lying? At the time, did

1 you know you were telling lies on yourself?
2 MR. BLACKMON: No, no. I didn't know
3 that, no.
4 MS. BRIDENSTINE: And why is that, do
5 you think?
6 MR. BLACKMON: Hm?
7 MS. BRIDENSTINE: Why do you think you
8 didn't know it at the time?
9 MR. BLACKMON: I just didn't. I was
10 gullible. I went along with anything and
11 everything. That's why. I was gullible.
12 Excuse me, can you get my brother's phone
13 number? You got his phone number.
14 MS. BRIDENSTINE: I don't have it with
15 me.
16 MS. TANNER: We don't, and our -- so
17 our files are confidential, so we can share
18 stuff with you that you send to us or these
19 forms that you give to us, we'll definitely
20 get it to you, but --
21 MR. BLACKMON: Well, why do you got
22 that guy's picture and trying to make him
23 look like me?
24 MS. TANNER: So we -- so let me be
25 clear. We don't have any opinion --

1 MR. BLACKMON: Yeah.
2 MS. TANNER: -- about what that
3 picture is or about any piece of this case.
4 We are just neutral, so we are just asking
5 questions.
6 MR. BLACKMON: Yeah.
7 MS. TANNER: So I don't have an
8 opinion about who that is or have come up
9 with one. We're just asking questions.
10 MR. BLACKMON: But why they show me
11 that picture there, though?
12 MS. TANNER: But -- because we are
13 just trying to identify something in the
14 file.
15 MR. BLACKMON: Oh, oh, oh.
16 MS. TANNER: So nonetheless, though,
17 just so you know, we can't give you a ton
18 of information just because --
19 MR. BLACKMON: Yeah.
20 MS. TANNER: -- our investigation is
21 confidential.
22 MR. BLACKMON: Yeah.
23 MS. TANNER: But we are at the point
24 where your attorney --
25 MR. BLACKMON: Can, yeah.

1 MS. TANNER: -- is getting updates
2 about the case.
3 MR. BLACKMON: Okay.
4 MS. TANNER: That's right, and they're
5 confidential updates, so just so you're
6 clear --
7 MR. BLACKMON: Yeah.
8 MS. TANNER: -- do you have any
9 questions for us about the process?
10 MR. BLACKMON: I hope the process be
11 soon. I'm getting my life together, you
12 know, getting myself back in order again.
13 Doing the right thing.
14 MS. MCNEILL: I'm guessing,
15 realistically, like we should prepare
16 ourselves for like -- it's going to be
17 months.
18 MS. TANNER: For what?
19 MS. MCNEILL: For -- well, when will
20 we know what the Commission --
21 MS. TANNER: So the Commission usually
22 deliberates at the end of the hearing and
23 will make a decision before they are gone.
24 MS. MCNEILL: Okay.
25 MS. TANNER: So they usually

1 deliberate right away and will not dismiss
2 until they have made a decision. We've
3 never not had it that way.
4 MS. MCNEILL: Okay.
5 MS. TANNER: It is possible and it is
6 outlined, you know, as a possibility --
7 MS. MCNEILL: Uh-huh.
8 MS. TANNER: -- and statutorily that
9 that means what the law says is that the
10 Commission could tell us "We have some more
11 questions. Go back and look into this and
12 this and this."
13 MS. MCNEILL: Okay.
14 MS. TANNER: That has never happened.
15 It's not to say it couldn't happen --
16 MS. MCNEILL: Okay.
17 MS. TANNER: -- I'm just telling you
18 it has never happened.
19 MR. BLACKMON: Excuse me --
20 MS. TANNER: Yes, sir.
21 MR. BLACKMON: -- now my old -- do
22 they still have my old transcripts right
23 there in the beginning?
24 MS. TANNER: So, Mr. Blackmon,
25 anything that you sent us and anything that

1 we could collect from the clerk that they
2 still had or whatever we have collected, so
3 we have collected every document likely
4 that exists about your criminal case.
5 MR. BLACKMON: How about my files like
6 that, though?
7 MS. TANNER: So we can go back and
8 look at what files you sent us and we made
9 copies of, and I'll communicate to your
10 attorney what those are. We routinely will
11 make copies of your originals and send them
12 back to you, so, Ms. McNeill, if that's
13 something --
14 MS. MCNEILL: Yeah.
15 MR. BLACKMON: I ain't got nothing,
16 though.
17 MS. TANNER: I understand you don't,
18 but if you send it to us, our practice is
19 we make a copy of it and send it back to
20 you, so what I'm saying is for this
21 instance if between the time you send it to
22 us and now, you've lost track or somebody's
23 taken them, I can talk to Ms. McNeill about
24 that.
25 MR. BLACKMON: What I'm saying, they

1 just made a document like that about
2 everything I did.
3 MS. TANNER: Uh-huh.
4 MR. BLACKMON: My original document
5 just like that.
6 MS. TANNER: Your original?
7 MR. BLACKMON: Can't find that
8 nowhere.
9 MS. TANNER: Okay. And you brought
10 those original documents with you to
11 prison?
12 MR. BLACKMON: Yeah. They was the
13 ones they gave me.
14 MS. TANNER: Okay.
15 MR. BLACKMON: And over the years it
16 got lost in this place.
17 MS. TANNER: Okay, but we --
18 MR. BLACKMON: I don't know what's
19 going on with that.
20 MS. TANNER: We'll check in with Ms.
21 McNeill about what we have and if there's
22 anything --
23 MS. MCNEILL: Okay.
24 MR. BLACKMON: Yes.
25 MS. MCNEILL: And I will -- they're

1 going to send me copies of what you signed,
2 and I'll send those to you, and I will give
3 you the phone number that I have for your
4 brother.
5 MR. BLACKMON: Okay. Thank you,
6 ma'am. I appreciate it. You got it on you
7 now or you going to send it to me?
8 MS. MCNEILL: I'm going to have to
9 send it to you. I have to go back and look
10 at your file.
11 MR. BLACKMON: Please send it to me
12 because I need to talk to him.
13 MS. MCNEILL: Okay.
14 MR. BLACKMON: When he called you,
15 what did he say?
16 MS. MCNEILL: It was a while ago, and
17 he wanted to know kind of what was going on
18 and how you were doing and wanted you to
19 have his phone number, but it was a couple
20 years ago, and --
21 MR. BLACKMON: But you got his latest
22 phone number today?
23 MS. MCNEILL: I don't know. I'll have
24 to go look. Let me go look into it.
25 MR. BLACKMON: But how long ago would

1 he called you, though?
2 MS. MCNEILL: It's been years.
3 MR. BLACKMON: Ah, man, damn. I bet I
4 got the same damn number (indiscernible)
5 contact (indiscernible), the same number.
6 I've been trying to call and call and
7 everything on the down-low.
8 MS. MCNEILL: Well --
9 MR. BLACKMON: Damn.
10 MS. MCNEILL: -- we'll try. I'll send
11 you what I have and we can go from there.
12 MR. BLACKMON: Yeah.
13 MS. MCNEILL: And we'll be in touch,
14 and like I told Jonathan, he's going to
15 come meet you and --
16 MR. BLACKMON: Who?
17 MS. MCNEILL: Jonathan Braun.
18 MR. BLACKMON: Who's that?
19 MS. MCNEILL: He's an attorney with
20 Prisoner Legal Services who is going to
21 help me with your case.
22 MR. BLACKMON: Yeah.
23 MS. MCNEILL: And he knows that you
24 want to meet him --
25 MR. BLACKMON: Yeah. Is he from

1 Raleigh?
2 MS. MCNEILL: He's originally -- he
3 works in Raleigh. He's originally from
4 Chapel Hill.
5 MR. BLACKMON: Oh.
6 MS. MCNEILL: So he'll come and talk
7 to you. We'll both come together and
8 introduce you to him.
9 MR. BLACKMON: Yeah. How long is that
10 going to be?
11 MS. MCNEILL: He's kind of busy. It
12 may be a couple weeks, but it will be
13 before the end of October.
14 MR. BLACKMON: Okay.
15 MS. MCNEILL: It'll be like mid-
16 October.
17 MR. BLACKMON: Yeah. Thank you.
18 MS. MCNEILL: So --
19 MR. BLACKMON: Thank you.
20 MS. MCNEILL: Sure.
21 MR. BLACKMON: I don't know where --
22 see, I'm all confused.
23 MS. TANNER: Okay.
24 MR. BLACKMON: It's been a long time,
25 you know.

1 MS. MCNEILL: Are you tired?
2 MR. BLACKMON: No, I'm not tired, but
3 it's been a long time.
4 MS. MCNEILL: Yeah.
5 MR. BLACKMON: Can't get tired no
6 more.
7 MS. TANNER: After the Commission
8 decides, if the case doesn't move forward,
9 the decision, that decision will be filed
10 with the clerk.
11 MS. MCNEILL: Okay.
12 MS. TANNER: If it does, the decision
13 and any supporting documents considered by
14 the Commission at the hearings, that would
15 be the brief. Any handouts we give out
16 during the hearing, the Commission's actual
17 decision --
18 MS. MCNEILL: Uh-huh.
19 MS. TANNER: -- as well as a
20 transcript of the hearing itself will be
21 filed with the clerk. It becomes public
22 record at that time.
23 And then the three judge panels have
24 been all over the map. Some of them happen
25 in a matter of weeks, some of them take

1 months.

2 MS. MCNEILL: Okay.

3 MS. TANNER: But we don't control

4 that.

5 MS. MCNEILL: I understand.

6 MS. TANNER: They're usually convened

7 and named pretty quickly.

8 MS. MCNEILL: Okay.

9 MS. TANNER: It's then I think that

10 the parties' --

11 MS. MCNEILL: Scheduling.

12 MS. TANNER: -- scheduling --

13 MS. MCNEILL: Okay.

14 MS. TANNER: -- becomes an issue. I

15 don't know that it's ever -- it's like sat

16 on to name the three judges. That happens

17 quickly.

18 MS. MCNEILL: Okay.

19 MS. TANNER: It's just the rest -- I

20 mean, it's a couple of weeks to get all the

21 stuff filed and done.

22 MR. BLACKMON: Excuse me, ma'am --

23 MS. TANNER: Yes.

24 MR. BLACKMON: -- how old is that

25 picture of that guy that looked like me

1 there? How old is he?
2 MS. BRIDENSTINE: Well, we're just
3 trying to find out if you know information
4 about it.
5 MR. BLACKMON: No, I don't know --
6 that look like me, but it's not me.
7 MS. BRIDENSTINE: What's -- is there
8 something bothering you about it or are you
9 concerned about it?
10 MR. BLACKMON: No, no. I'm saying I
11 was wondering how old he is because I'm
12 old.
13 MS. TANNER: You mean this one?
14 MR. BLACKMON: Yeah.
15 MS. TANNER: Exhibit 2?
16 MR. BLACKMON: Yeah. How old is he?
17 MS. TANNER: We don't know.
18 MR. BLACKMON: That looks like me, but
19 that's not me, though. Where did you get
20 that picture from, though? Where is that
21 coming from?
22 MS. BRIDENSTINE: Why do you think
23 it's not you? What do you see that --
24 MS. TANNER: Exhibit 2.
25 MR. BLACKMON: Can I get a closer

1 look?

2 MS. BRIDENSTINE: Uh-huh.

3 MS. TANNER: You sure can.

4 MR. BLACKMON: No, that's not me, no

5 way.

6 MS. TANNER: And then the three-judge

7 panel decisions have to (indiscernible).

8 MR. BLACKMON: I never been anywhere

9 like that in my life. I don't know where

10 the hell that's at. Where was it tooken

11 (sic) at?

12 MS. BRIDENSTINE: We're just trying to

13 find out if you recognize that or anything

14 about it?

15 MR. BLACKMON: It looks like me, but

16 that's not me, though. God knows that's

17 not me. I don't even know (indiscernible)

18 right there.

19 MS. TANNER: Okay.

20 MR. BLACKMON: You got someone that

21 looks alike it's a crying shame. You think

22 that look like me?

23 MS. TANNER: Well, we can't -- so we

24 can't give any -- you know, we're neutral.

25 We don't have any opinions --

1 MR. BLACKMON: Yeah, yeah.
2 MS. TANNER: -- about this. And,
3 frankly, Mr. Blackmon, we wouldn't have
4 opinions like that. We just wouldn't. The
5 statute says we got to be neutral. We're
6 just trying to find out information.
7 MR. BLACKMON: Okay, yeah, yeah, yeah.
8 MS. TANNER: Okay?
9 MR. BLACKMON: Yes, ma'am.
10 MS. TANNER: Do you have any questions
11 for us about the process?
12 MR. BLACKMON: No. I appreciate you
13 all coming.
14 MS. TANNER: Sure.
15 MR. BLACKMON: I want out of here now.
16 I want home.
17 MS. TANNER: I understand.
18 MR. BLACKMON: I'm tired of being
19 locked up.
20 MS. TANNER: Well, you have Julie's
21 card, so if there's anything that you think
22 about that you feel like we didn't talk
23 about or information you feel like we
24 should know, you can definitely reach out
25 to us.

1 MR. BLACKMON: When you all come back
2 again?
3 MS. TANNER: We may not come back
4 again. It's possible we will. It's
5 possible that as we get ready for your
6 hearing we'll have a few more questions,
7 but right now we don't have a plan to come
8 back again, okay.
9 MR. BLACKMON: Yeah, yeah, yeah. Yes,
10 ma'am.
11 MS. TANNER: We are in communication
12 with Ms. McNeill about the case and the
13 process, okay.
14 MS. MCNEILL: And I'll be back with --
15 so you can meet Jonathan.
16 MR. BLACKMON: Yeah, yes, ma'am.
17 MS. MCNEILL: So that will probably be
18 the next thing that happens.
19 MR. BLACKMON: Okay, yeah.
20 MS. TANNER: Okay?
21 MR. BLACKMON: It's crazy, all these
22 look-alikes in this damn world. If that's
23 me, I'm handsome.
24 MS. BRIDENSTINE: You're what?
25 MR. BLACKMON: I said if that's me,

1 I'm handsomer than that.
2 (LAUGHTER)
3 MS. TANNER: Thank you for meeting
4 with us.
5 MS. MCNEILL: Thank you so much.
6 MR. BLACKMON: Yeah. I appreciate it.
7 MS. BRIDENSTINE: It was nice to meet
8 you.
9 MR. BLACKMON: Nice to meet you. Hey,
10 my mind is, you know kind of coming and
11 going, you know.
12 MS. BRIDENSTINE: Uh-huh.
13 MR. BLACKMON: It's hard for me to
14 think.
15 MS. BRIDENSTINE: Well, if you think
16 of anything else, you have my card, you can
17 let me know, okay?
18 MR. BLACKMON: Yes, ma'am. I can't
19 read or write, but I can make a phone call.
20 That's in Raleigh, right?
21 MS. TANNER: Yes. So Ms. McNeill also
22 has this -- so you can't read or write, you
23 said?
24 MR. BLACKMON: Yeah.
25 MS. TANNER: Okay. Ms. McNeill, this

1 is Julie's number and it has a phone number
2 and an email and it has our address on
3 here, but Ms. McNeill knows that, too, so
4 if you need to contact us, you can contact
5 her or this will have our address. Do you
6 have a case manager?
7 MR. BLACKMON: Yeah.
8 MS. TANNER: Okay. Your case manager
9 can help you by reading this address or you
10 can ask Ms. McNeill to help you, okay.
11 MR. BLACKMON: Yes, ma'am.
12 MS. MCNEILL: If you think of
13 anything --
14 MR. BLACKMON: Let you know.
15 MS. MCNEILL: Yeah.
16 MR. BLACKMON: When I see you, yeah.
17 MS. MCNEILL: When we come back if you
18 can let us know.
19 MR. BLACKMON: My head is going
20 (indiscernible).
21 MS. MCNEILL: Yeah. You've had a lot
22 to think about in the last --
23 MR. BLACKMON: It's been a long time,
24 though, you know, for me to remember
25 certain things.

1 MS. MCNEILL: Yeah. Do you have any
2 questions for me before I go?
3 MR. BLACKMON: No. I be glad to see
4 you again.
5 MS. MCNEILL: Okay. Well --
6 MR. BLACKMON: You all take it easy.
7 MS. BRIDENSTINE: We will be back.
8 MR. BLACKMON: And have a safe drive.
9 MS. BRIDENSTINE: Thank you.
10 MS. TANNER: Thank you.
11 MR. BLACKMON: Look out for the creek.
12 (Indiscernible). Yeah, boat, call one.
13 MS. TANNER: Yeah, might need a boat,
14 that's right.
15 MR. BLACKMON: Thank you all.
16 Appreciate it.
17 MS. TANNER: Thank you, sir.
18 MR. BLACKMON: Yeah, thank you, yeah,
19 yeah.
20 (The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 173 pages of this transcript of the recorded interview of James Blackmon was taken on September 25, 2018, is a true and accurate transcript to the best of my ability.

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

This is the 4th day of October, 2018.

_____

GLORIA VEILLEUX
Notary Public

Exhibit # 1

Exhibit 2

Wilson Jones

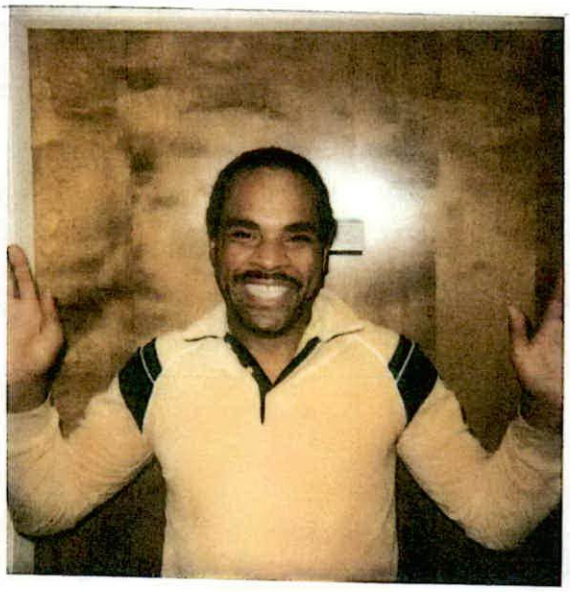
Made in U.S.A.

447-27

78910-44727

GENUINE PRESSBOARD

REDICOVERS



000002

Exhibit 3

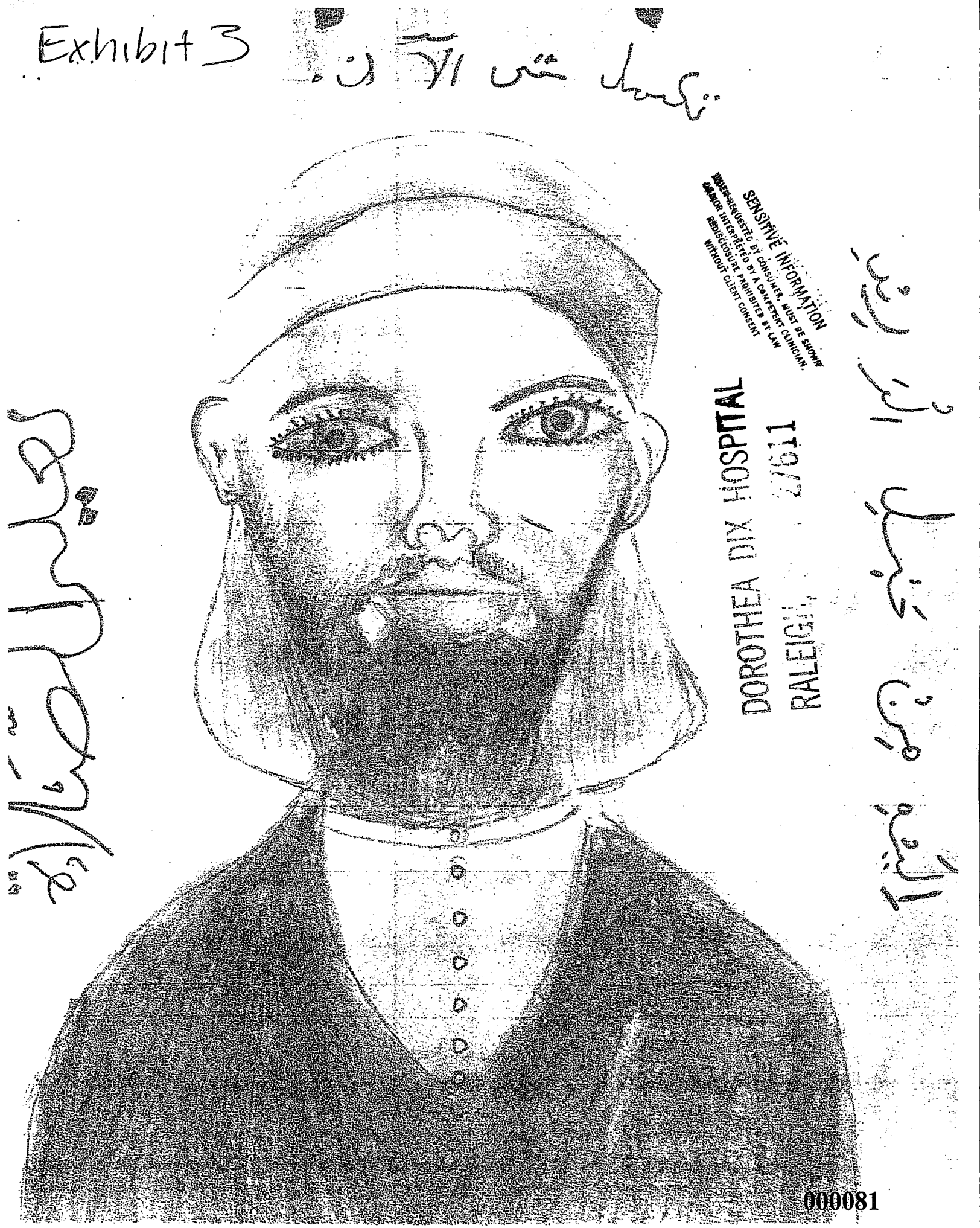
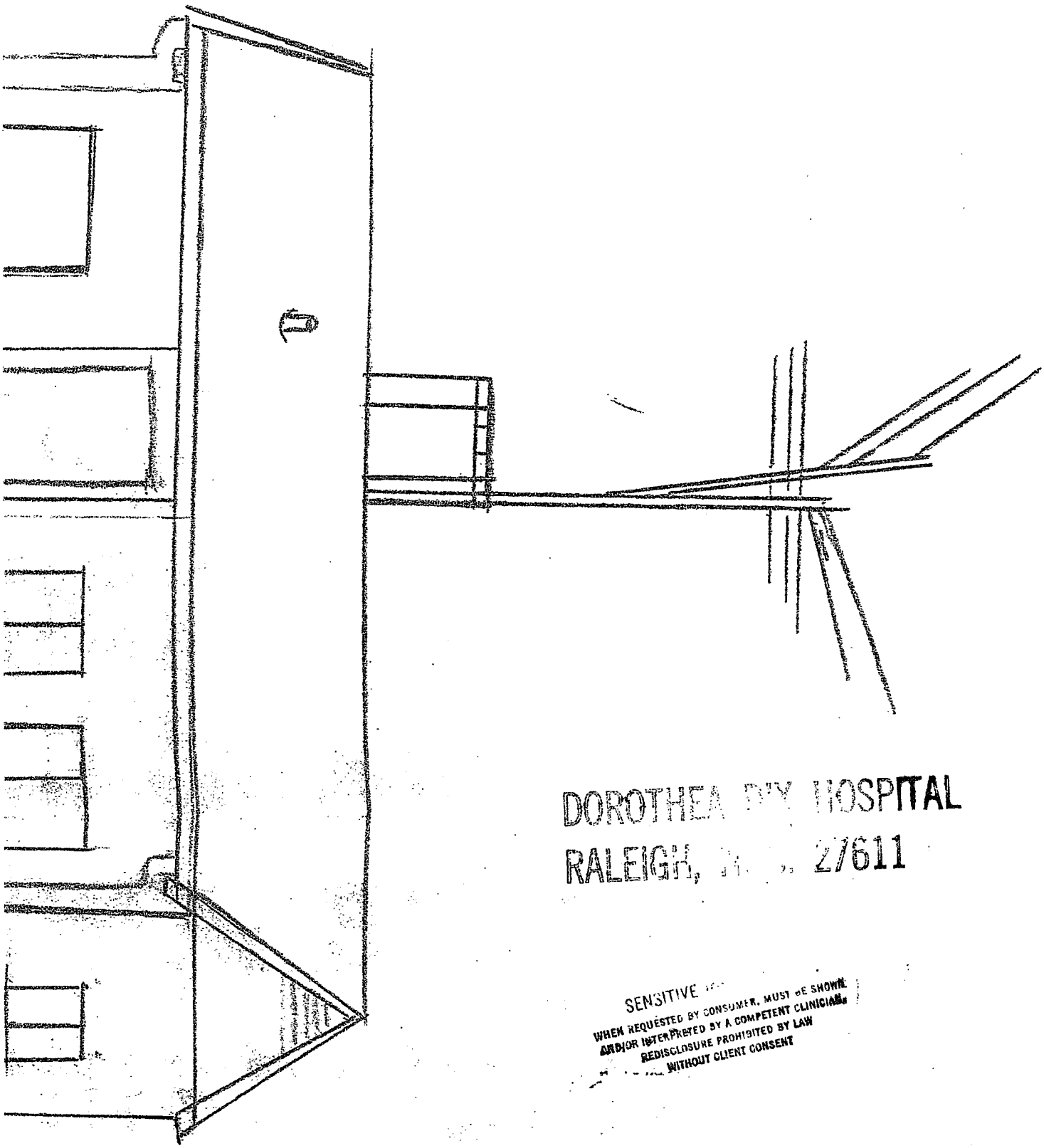


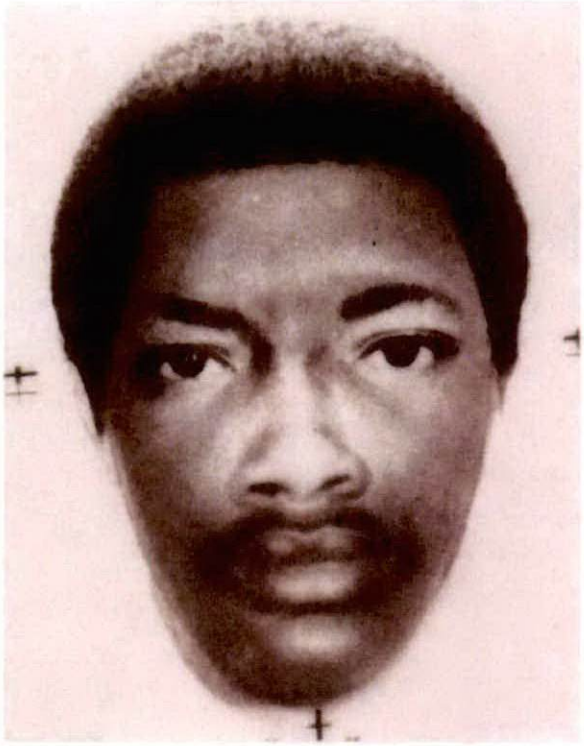
Exhibit 4



DOROTHEA DIX HOSPITAL
RALEIGH, N.C. 27611

SENSITIVE INFO
WHEN REQUESTED BY CONSUMER, MUST BE SHOWN
AND/OR INTERPRETED BY A COMPETENT CLINICIAN
REDISCLOSURE PROHIBITED BY LAW
WITHOUT CLIENT CONSENT

Exhibit S



Handout 35

JAMES BLACKMON

CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
2ND DEG MURDER	WAKE	09/28/1979	01/14/1988
ASSAULT ON FEMALE (M)	WAKE	09/11/1983	09/27/1983
INDECENT EXPOSURE (M)	WAKE	09/11/1983	09/27/1983
INJURY TO PERSONAL PROPERTY (M)	WAKE	09/11/1983	09/27/1983
LARCENY (M)	ROBESON	UNKNOWN	12/29/1980
TRESPASSING AFTER WARNING	JACKSONVILLE FL	ARRESTED 03/02/1980	03/04/1980
TRESPASSING AFTER WARNING	JACKSONVILLE FL	ARRESTED 02/22/1980	03/04/1980
TRESPASSING AFTER WARNING	JACKSONVILLE FL	ARRESTED 12/29/1979	12/30/1979
TRESPASSING AFTER WARNING	JACKSONVILLE FL	ARRESTED 12/26/1979	12/26/1979
TRESSPASSING	BINGHAMTON, NY	11/08/1979	11/19/1979
POSSESSION OF STOLEN PROPERY – 1ST DEGREE	BINGHAMTON NY	02/01/1978	03/17/1978
TRESPASSING	BINGHAMTON, NY	11/17/1975	UNKNOWN

Handout 36

JAMES BLACKMON PHYSICAL DESCRIPTION, ARRESTS, INCARCERATIONS, AND WHEREABOUTS 1964-1983

DOB: 8/14/1953

Date	Location	Notes	Physical Description	File Location
8/14/1964-10/15/1969	**Rome, NY**	**Rome Developmental School.**	**N/A**	**GBMHC Records**
8/18/1970	**Syracuse, NY**	**Arrested by Syracuse PD for Robbery-1st: Use/Threaten Use of Dangerous Instrument.**	**N/A**	**NYDCJS p. 4**
3/3/1971	**Syracuse, NY**	**Sentenced to "other" by Onondaga County Court for plea to Robbery—1st: Use/Threaten Use of Dangerous Instrument from 8/18/1970 arrest.**	**N/A**	**NYDCJS p. 5**
3/3/1971 and 3/5/1971	Syracuse, NY	Court entry for 8/70 arrest. "Adjud. youthful offender" and felony robbery are listed. The arresting agency appears to be Syracuse PD. There is also a document that is labeled a "criminal history response…based on fingerprint identification" which provides an address for Blackman in Syracuse, NY on March 3, and March 5, 1971.	N/A	RPD – DA, Bk. 11, p. 28-29
3/5/1971-8/19/1974	**NY Prison System**	**Admitted to NYS DOCCS Elmira Reception Center on 3/5/1971 and released from NYS DOCCS Elmira Reception Center on 8/19/1974**	**N/A**	**NYDCJS p. 5**
1972-8/19/1974	Attica, NY	Letter dated 8/14/1974 from the Superintendent of Attica Correctional Facility to the Commissioner of Police in Binghamton, NY provides that Blackmon will be released on 8/19/1974 and intends to go to Binghamton upon his release. Letter states "He is considered potentially dangerous because of his antisocial attitude, paranoid trends, uses drugs, and low, dull mentality."	N/A	(RPD—DA, Bk. 11, p. 23).

Date	Location	Notes	Physical Description	File Location
9/5/1974	**New York**	**SSA Application gives New York Address.**	**N/A**	**Social Security Records**
11/7/1974	Binghamton, NY	Arrest for misdemeanor assault. Description: Subject got into argument with his cousin and struck him in the face with a bottle. Blackmon and his cousin were taken to the hospital for treatment. Arraigned 11/7/94 and pleads not guilty. Report indicates he is remanded to jail.	5'11, 163 lbs., slim build, "goatee-mustache."	RPD – DA, Bk. 11, p. 20, 28, and 30
12/10/1974	Binghamton, NY	Arrested for misdemeanor possession of controlled substance. Description: Investigators were investigating a burglary when they smelled marijuana and made arrest after they found a quantity of marijuana. Arraigned and pleads not guilty. Report indicates he is remanded to jail. Address listed for Blackmon is in Binghamton. He again reports no employer. There is no address provided for him. There is also a document that is labeled a "criminal history response…based on fingerprint identification" which provides an address for Blackmon in Binghamton, NY on December 10, 1974.	5'11", 160 lbs., tall build. "Beard/Goatee: Yes." "Mustache: Yes."	RPD – DA, Bk. 11, p. 29 and 30.
5/1/1975	Binghamton, NY	NYDCJS provides that at city court a misdemeanor civil assault was dismissed. It is not indicated whether Blackmon was present, though a DOC number is provided along with this entry.	N/A	RPD – DA, Bk. 11, p. 28
11/17/1975	Binghamton, NY	Information from Binghamton Arrest History Sheet. Arrest for Trespass.	"Beard/Goatee: Yes."	RPD—DA, Bk. 11, p. 18

Date	Location	Notes	Physical Description	File Location
		Description: Subject was observed walking around Conti Court, looking into windows. Neighbors called the police who picked up subject on the street and he was identified by neighbors as same one looking into windows. Address listed for Blackmon is Binghamton, NY for 2 weeks, but he also lists a prior address as Binghamton without a time frame provided. Sentenced to 15 days in jail after a guilty plea (date unknown). Beside beard/goatee report says "yes" and beside mustache, report says "yes." There is no description of Blackmon's height and he provides that his employer is "disability."	"Mustache: Yes."	
11/18/1975	**Binghamton, NY**	**Following plea of guilty to trespass on or about 11/17/1975, Blackmon is sentenced to 15 days at the Broome County jail.**	**N/A**	**Broome County Clerk Records**
12/3/1975	**Binghamton, NY**	**Certificate of Conviction. Charge not listed.**	**N/A**	**Broome County Clerk Records**
1/8/1976	Binghamton, NY	Blackmon is arrested for misdemeanor trespass. Description: Subject came to masonic temple and would not leave. Per a note dated 1/9/76, Blackmon is placed in state hospital, and will be arraigned after release from hospital. Blackmon indicates his address is in Binghamton for 3 months but also provides a former address also in Binghamton, NY without a time frame provided.	5'11", 163 lbs., medium build, "Beard/Goatee: Yes." "Mustache: Yes."	RPD—DA, Bk. 11, p. 36

Date	Location	Notes	Physical Description	File Location
1/9/1976	Binghamton, NY	There is a document that is labeled a "criminal history response…based on fingerprint identification" which provides an address for Blackman in Binghamton NY on January 9, 1976.[1] USDOJ indicates an arrest on January 9, 1976 for Criminal trespass in Binghamton NY. There is no disposition provided.	N/A	RPD – DA, Bk. 11, p. 29-30
1/9/1976	**Binghamton, NY**	**Blackmon admitted to Binghamton Psychiatric Center on a "DCS (Director of Community Services Certificate), which was converted to Two Physician, then Court Retention."**	**N/A**	**GBMHC Records**
4/5/1976-5/7/1976	**Binghamton, NY**	**Blackmon goes missing from Binghamton Psychiatric Center. Found in downtown Binghamton and returned to hospital.**	**N/A**	**GBMHC Records**
6/4/1976	New York	USDOJ provides that a Criminal Possession of Controlled Substance with arrest date 12/10/74 was dismissed on June 4, 1976.	N/A	RPD – DA, Bk. 11, p. 29 and 30.
6/18/1976	**Binghamton, NY**	**Blackmon discharged from Binghamton Psychiatric Center. Release plan to live at Mrs. Flint's boarding home in Binghamton and have weekly follow up with PROBE Counselor.**	**N/A**	**GBMHC Records**
9/12/1976	**Binghamton, NY**	**Blackmon re-admitted to Binghamton Psychiatric Center on a Director of Community Services Certificate which became a court retention. Found staring into the air on a bridge and didn't know where he was.**	**N/A**	**GBMHC Records**
12/10/1976 - 5/10/1977	**New Hampton, NY**	**Transferred to Mid-Hudson Psychiatric Center then returned to Binghamton Psychiatric Center because of violent behavior towards staff.**	**N/A**	**GBMHC Records**

[1] There is no other arrest report for misdemeanor trespass around this time besides the 1/8/76 charge so it appears that these may be the same.

Date	Location	Notes	Physical Description	File Location
10/27/1977	**New York**	**SSA application shows New York address.**	**N/A**	**Social Security Records**
1/3/1978	**New York**	**SSA application shows New York address.**	**N/A**	**Social Security Records**
1/3/1978	**Binghamton, NY**	**Blackmon discharged from Binghamton Psychiatric Center per order of the court. Release plan to live at Gladys Payne's boarding house. Appointments for assistance with SSI and financial support. Counseling to be provided by PROBE. Later report indicates he did not keep appointments with his counselor, but did show up to PROBE to pick up his checks.**	**N/A**	**GBMHC Records**
2/1/1978	Binghamton, NY	Blackmon is arrested for felony possession of stolen property. Description: Subject took fur coat from Drazens valued at $2,395.00 and was apprehended in area. Listed address for Blackmon is in Binghamton. Blackmon also lists Binghamton State Hospital as his prior address for a year. Blackmon pled not guilty and was remanded to the Broome County jail. No bail was set. There is also a document that is labeled a "criminal history response…based on fingerprint identification" which provides an address for Blackman in Binghamton, NY on February 1, 1978.	5'11", 165 lbs., "Beard/Goatee: Yes." "Mustache: Yes."	RPD – DA, Bk. 11, p. 29 and 35
2/21/1978	**Binghamton, NY**	**Document indicates there is a VOCD arraignment for Blackmon, but unclear on what charge.**	**N/A**	**Broome County Clerk Records**

Date	Location	Notes	Physical Description	File Location
3/17/1978	Binghamton, NY	Information from NYDCJS. "Convicted for felony possession of stolen property." Also indicates "conditional discharge" without any further information.	N/A	RPD—DA, Bk. 11, p. 28
3/17/1978	**Binghamton, NY**	**Certificate of Conviction by plea of Criminal Possession of Stolen Property in the First Degree, a class D Felony. Sentenced to a "Conditional Discharge for a period of three (3) years."**	**N/A**	**Broome County Clerk Records**
5/4/1978	**Binghamton, NY**	**Information from NYDCJS. Offense date for 5/10/1978 arrest for Blackmon.**	**N/A**	**NYDCJS p. 2**
5/10/1978	Binghamton, NY	Blackmon is arrested for misdemeanor menacing and felony robbery. Description: Subject held a knife to the throat of Kevin Kent and took $15.00 and later approached Dawn Buchanan, put a knife to her stomach, and threatened to stab her. Address listed for Blackmon is in Binghamton. Blackmon is arraigned and remanded to jail.	5'11", 160 lbs., "Beard/Goatee: Yes," "Mustache: Yes."	RPD—DA, Bk. 11, p. 31
5/17/1978	**Binghamton, NY**	**Document indicates there is a VOCD arraignment for Blackmon, but unclear on what charge.**	**N/A**	**Broome County Clerk Records**
6/12/1978	**Binghamton, NY**	**Case against Blackmon from 5/10/1978 arrest is "sealed upon termination of criminal action in favor of the accused CPL160.50."**	**N/A**	**NYDCJS p. 2**
7/6/1978	**Binghamton, NY**	**Document indicates Blackmon appears in court, but unclear on what charge.**	**N/A**	**Broome County Clerk Records**
9/23/1978	Binghamton, NY	Indication that case against Blackmon from a 5/10/1978 arrest is "terminated." The "penal law" listed is only the law	N/A	RPD—DA, Bk. 11, p. 32

Date	Location	Notes	Physical Description	File Location
		that is related to the menacing charge. It is not clear whether this was a dismissal for the entire charge.[2]		
9/25/1978	**Binghamton, NY**	**Case against Blackmon from 5/10/1978 arrest for charges of menacing and robbery is dismissed.**	**N/A**	**NYDCJS p. 2**
6/29/1979	**Binghamton, NY**	**Document indicates Blackmon appears in court, but unclear on what charge.**	**N/A**	**Broome County Clerk Records**
7/9/1979	**Binghamton, NY**	**Document indicates there is a VOCD disposition for Blackmon, but unclear on what charge.**	**N/A**	**Broome County Clerk Records**
7/13/1979	**Binghamton, NY**	**SSA application shows a New York address.**	**N/A**	**Social Security Records.**
8/24/1979	Binghamton, NY	Arrested for Disorderly Conduct and booked when he was found to be in possession of marijuana and unknown pills. This report provides that Blackmon was arraigned on 8/25/79 and The address for Blackmon here was the YMCA Room 306, which it says has been his address for 4 months. He indicates he is unemployed. There is a document that is labeled a "criminal history response…based on fingerprint identification" which provides an address for Blackman as Room 306 YMCA in Brooklyn, NY for 8/24/1979.	5'11", 165 lbs., medium build, "Beard/Goatee: Yes," "Mustache: Yes."	RPD—DA, Bk. 11, p. 29-30 and 34

[2] Later investigation by Commission staff revealed that all charges in this case were first sealed and then later dismissed in Blackmon's favor.

Date	Location	Notes	Physical Description	File Location
		USDOJ report provides that Binghamton, NY PD arrested Blackmon on this date for misd. criminal possession of a controlled substance. The disposition is listed as "pled not guilty rel in own custody."		
8/25/1979	Binghamton, NY	Blackmon arraigned on Disorderly Conduct charges from 8/24/1979. Indicates "Pled NG, adj. until 9-1-79, released into own custody."	N/A	RPD—DA, Bk. 11, p. 29 and 34
10/29/1979	**Binghamton, NY**	**Charges of disorderly conduct, criminal possession of controlled substance—8th degree, and unlawful possession of marijuana from 8/24/1979 were dismissed and "sealed upon termination of criminal action in favor of the accused CPL160."**	**N/A**	**NYDCJS p. 1**
11/8/1979	**Binghamton, NY**	**Offense date for trespass charge.**	**N/A**	**Broome County Clerk Records**
11/19/1979	**Binghamton, NY**	**Blackmon pleads guilty to trespassing, on or about 11/8/1979. "Conditional discharge—Stay out of the Y.M.C.A. Bail Exonerated."**	**N/A**	**Broome County Clerk Records**
12/5/1979	**Binghamton, NY**	**Certificate of Conviction. Charge not listed.**	**N/A**	**Broome County Clerk Records**
12/26/1979	Jacksonville, FL	Blackmon arrested for trespass after warning. His address is listed as "transient" and his alias is provided as "James Underwood Andrew III." He was asleep inside the greyhound bus station and was accompanied by another individual who was "begging." Both were asked and when	5'11", 170 lbs., dark complexion	RPD—DA, Bk. 11, p. 50

Date	Location	Notes	Physical Description	File Location
		they refused were arrested. Blackmon had no identification or bus ticket. USDOJ provides that Blackmon was arrested on this date for "trespass after warning" with a disposition of "1 das NPT."		
12/29/1979	Jacksonville, FL	Blackmon arrested for trespass after warning and possession of narcotic paraphernalia. Description: "The suspect, Underwood, has been arrested for trespassing after warning two days prior to this incident for the same charge and on this date he was advised to remove himself from the Greyhound bus station at 10 N. Pearl St. The suspect kept him in the area until this unit picked him up. The suspect Underwood was very threating to this writer during the investigation." A USDOJ document provides that Blackmon was arrested on 12/29/1979 for "trespass after warning" and "poss of narc par." The disposition is provided as "5 days 123079 No1 Pros." In addition, the name provided is "James Underwood Andrew" though the identification number is the same as Blackmon's throughout the remainder of the document. Another document that provides a list of charges and dispositions for Blackmon provides that the disposition of an arrest on 12/29/79 was 10 days confinement.	5'9" (the inches are somewhat unclear), 160 lbs.	RPD—DA, Bk. 11, p. 50, 66, 78-79
12/30/1979	Jacksonville, FL	A document that provides a list of charges and dispositions indicates that there is a disposition on this date of conviction for trespassing after warning with 5 days of confinement and that there is a disposition of dismissal for possession of narcotics paraphernalia.	N/A	RPD—DA, Bk. 11, p. 66

Date	Location	Notes	Physical Description	File Location
1/11/1980	Jacksonville, FL	Blackmon is arrested for possession of controlled substance (cocaine) and possession of controlled substance (marijuana). Description: Subject was causing trouble at Trailways Bus Station and was found with drugs after weapons check. Subject is described as a "flim flam artist" who has been working the area the last few weeks. The subject is described as taking money from individuals on 1/10/1980 after promising to deliver drugs. USDOJ report provides that Blackmon was arrested on 1/11/80 for possession of controlled substances, marijuana and cocaine. There is no disposition noted. The name provided is "Jimmy Andrew Blackmon" though the identification number matches Blackmon's other identification number provided previously in the document.	N/A	RPD—DA, Bk. 11, p. 50 and 76-77
1/23/1980	Jacksonville, FL	A Florida Disposition notice indicates that an arrest from 1/11/80 is dismissed for insufficient evidence to warrant prosecution.	N/A	RPD—DA, Bk. 11, p. 75
2/22/1980	Jacksonville, FL	Blackmon is arrested for trespass after warning. He was advised to leave the lobby of Greyhound Bus station by the manager. The arresting officer approached the suspect and asked him if he had a ticket and when Blackmon replied no, he was told to leave. Blackmon refused to leave and was arrested and placed in jail. USDOJ report provides that Blackmon was arrested on 2/22/80 for trespass after warning. There is no disposition noted. The name provided is "Jimmy Andrew Blackmon" though the identification number matches Blackmon's	N/A	RPD—DA, Bk. 11, p. 50 and 74

Date	Location	Notes	Physical Description	File Location
		other identification number provided previously in the document.		
3/2/1980	Jacksonville, FL	Blackmon arrested for resisting officers with violence. Description: Subject is in jail on other charges and threw a book at a correctional officer and struck him twice in the face. Blackmon is identified as 5'11", 170 pounds. There is no information here on whether Blackmon has facial hair. USDOJ report provides that "Jimmy Andrew Blackmon" (same identification number as previously used for Blackmon) was arrested on this date for resisting officers with violence. The disposition is noted as "1. Dropped SAO 12 das on chg of trespass after warning nol pros on chg of battery added."	N/A	RPD—DA, Bk. 11, p. 51 and 71-72
3/4/1980	**Jacksonville, FL**	**Conviction date for 2/22/1980 and 3/2/1980 Trespass After Warning charges. Sentenced to 12 day of confinement.**	**N/A**	**DCIN**
3/8/1980	**Jacksonville, FL**	**3/2/1980 Resisting Officer With Violence and Assault and Battery charges are dismissed.**	**N/A**	**DCIN**
8/22/1980	**Lumberton, NC**	**SSA application shows Lumberton, NC address.**	**N/A**	**Social Security Records**
12/29/1980	Robeson County	Disposition for 80 CR 024447 arrest for larceny/misd. Guilty verdict.	N/A	RPD—DA, Bk. 9, p. 120
12/29/1980	**Robeson County**	**Inmate Classification Profile and Judgment indicates the 9 month jail sentence included 17 jail credit days. Blackmon's address is listed in Lumberton and is the same as the address listed for his mother, Christine Blackmon.**	**N/A**	**1983 SBI File p. 347, p. 357-358**

Date	Location	Notes	Physical Description	File Location
		The District Court Judgment and Commitment orders a psychiatric evaluation, and lists Blackmon as pleading guilty to misdemeanor larceny on the date of his trial and waiving his right to an attorney.		
12/30/1980	Department of Corrections in Raleigh, NC	USDOJ report provides that Blackmon is charged with larceny and the disposition is 9 months. The Department of Corrections in Raleigh is listed as the contributor of fingerprints.	N/A	RPD—DA, Bk. 11, p. 51
6/4/81	Raleigh, NC	Blackmon evaluated for admission to Dorothea Dix. Discharge Summary from "Central Hospital" that discusses formulating an after care plan in anticipation of Blackmon's upcoming release on 6/23/81. Blackmon was referred from McCain Correctional Facility. The discharge is noted as a "discharge upon his release date and begin involuntary commitment proceedings through a state psychiatric hospital."	N/A	RPD—DA, Bk. 6, p. 85-86
6/23/81	Raleigh, NC	Blackmon admitted to Dorothea Dix Hospital. In Blackmon's rehabilitation record, there is a June 1981-June 1982 Dorothea Dix stay noted as his prior hospitalization (when discussing his "second admission"). He was noted as having left in June 1982 against medical advice to live with his girlfriend.	N/A	RPD—DA, Bk. 6, p. 12 and 25
9/8/1981	Raleigh, NC	Blackmon's status at Dorothea Dix changed to "voluntary."	N/A	RPD – DA BK. 6, 61-66
9/15/1981	**Raleigh, NC**	**SS application shows Dorothea Dix, Raleigh, NC address.**	**N/A**	**Social Security Records.**

Date	Location	Notes	Physical Description	File Location
11/20/1981-11/22/1981	Raleigh, NC	Blackmon out of Dorothea Dix on home visit.	N/A	RPD – DA Bk. 6.
3/5/1982-3/8/1982	Raleigh, NC	Blackmon out of Dorothea Dix on unauthorized absence.	N/A	RPD – DA Bk. 6.
5/8/1982-5/10/1982	Raleigh, NC	Blackmon out of Dorothea Dix on home visit.	N/A	RPD – DA Bk. 6
5/15/1982-5/18/1982	Raleigh, NC	Blackmon out of Dorothea Dix on unauthorized absence.	N/A	RPD – DA Bk. 6
6/14/1982	Raleigh, NC	Blackmon formally discharged from Dorothea Dix. These specific dates (6/18/1981 – 6/14/1982) are characterized as his "first admission" to Dorothea Dix in his medical team conference report.	N/A	RPD – DA Bk. 6, p. 25
1/21/1983-9/12/1983	Raleigh, NC	Per his discharge summary, Blackmon was involuntarily committed to Dorothea Dix on 1/21/1983. His commitment was for 28 days beginning 1/28/1983 and then another 90 day commitment on 2/24/1983.	N/A	RPD—DA, Bk. 6, p. 8-9 and 25
2/24/1983	Raleigh, NC	Blackmon discharged from Dorothea Dix to Wake County Sheriff "having been charged with assault."	N/A	RPD—DA, Bk. 6, p. 8-9
4/16/1983	**Raleigh, NC**	**Blackmon allegedly assaulted by staff at Dorothea Dix. SBI investigates.**	**N/A**	**SBI Dix, p. 23-26**
7/29/1983	**Raleigh, NC**	**SSA application shows Dorothea Dix, Raleigh, NC address.**	**N/A**	**Social Security Records.**
9/12/1983	**Raleigh, NC**	**Blackmon charged with Indecent Exposure, Assault on a Female, and Injury to Personal Property. Offense date is 9/11/1983. Dorothea Dix Police Department listed as complainant.**	**N/A**	**CIPRS**

Date	Location	Notes	Physical Description	File Location
10/2/1983-10/18/83	Raleigh, NC	Nursing notes provide that Blackmon is at Dorothea Dix and is being evaluated for an involuntary commitment.	N/A	RPD—PLS, Bk. 6, p. 105 and 135
10/18/1983-10/28/1983	Raleigh, NC	Blackmon released on outpatient commitment.	N/A	RPD – PLS, Bk. 6, p. 135
10/21/1983	Raleigh, NC	In a judicial order regarding Defendant's Motion to Suppress, the Court provides that Blackmon attempted to gain admission to Dorothea Dix reporting that it was cold outside. The Dorothea Dix file indicates he was evaluated for admission on this date.	N/A	Clerk, p. 271; RPD
10/28/1983-11/18/1983	Raleigh, NC	Nursing notes indicate that Blackmon is "discharged to Lumberton Raleigh Police" on 11/18/1983. It is not clear from the records available whether this commitment was voluntary or involuntary.	N/A	RPD—PLS, Bk. 6, p. 136 and 154
11/28/1983-12/7/1983	Raleigh, NC	Blackmon is evaluated for admission. Nursing notes indicate a discharge on 12/7/1983 and provide that Blackmon was a voluntary patient. Notes indicate Blackmon was treated, but remains an "angry violent person" but that it is "not because of psychosis."	N/A	RPD—PLS, Bk. 6, p. 155 and 168
12/7/1983	Raleigh, NC	Blackmon arrested and charged with this crime.	N/A	RPD

Handout 37

DAPP 36
5/86

DEPARTMENT OF CORRECTION
OFFICIAL CRIME VERSION

RECEIVED
APR 26 1988
PAROLE COMMISSION

MEMORANDUM

To: Clifton Gary, Case Analyst

Date: 4/19/88

From: Robert Dean, PPO, S-11

Subject: James Blackmon 20853-78 (AKA: James Andrew Blackman; James Andrew Underwood, III)
UCR: Life

Source of Information: Wake County Superior Court records, Investigative Reports from the Raleigh Police Department, and Detective J. C. Holder of the Raleigh Police Department.

83CRS84695: 1st Degree Murder

On 9/28/79 before 6:00 a.m. the subject entered Latham Hall, female dormitory, on St. Augustine College campus, Raleigh, North Carolina. The subject used an outside fire exit to gain entry into the building. The subject used the fire exit to go up to the 6th floor at Latham Hall. The subject entered the restroom area on the 6th floor and hid in one of the toilet stalls. He stood on the back of the toilet so that his feet could not be seen underneath the wooden stall doors.

On 9/28/79 at about 6:15 a.m. Helena Payton, black female student, entered the restroom area. Ms. Payton opened the toilet stall that the subject was hiding in. When Ms. Payton saw the subject she started to scream. The subject grabbed her and stabbed her several times in the lower base of her neck. The subject and Ms. Payton struggled and Ms. Payton pulled away from the subject and exited the restroom area bleeding from the neck.

The victim lost a lot of blood at the crime scene. She was taken to Wake Medical Center where she was treated in the emergency room and later had emergency surgery. On 9/30/79 the victim went into a coma. The victim never really regained a lot of consciousness and was still in her coma when she passed away on 10/30/79 from the injuries received in the assault.

The weapon that was used was a Guardman 007 folding knife with a blade over 4" long. It was found in a wooded area not far from Latham Hall on the St. Augustine campus. Also located in the area was a black and red dashiki shirt which was located not far from where the knife was found in the woods on St. Augustine campus. The shirt had blood stains on it and was described by witnesses as the shirt that the subject was wearing when the assault took place. The subject exited the crime scene the same way that he entered the building.

Detective J. C. Holder said that the impression he got from talking with the subject was that the subject had first intended a sexual assault on the first female that came into the restroom because there was no known contact between the victim and the subject prior to the assault. When the victim started screaming the assault turned into a physical assault of stabbing.

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2nd and 3rd Copy - DOP - Classification
4th Copy - Investigating PPO

On 1/14/88 in Wake County Superior Court a plea bargain was reached. The subject plead guilty to 2nd degree murder and he was sentenced to natural life in the North Carolina Department of Correction. The court recommended that the subject receive 1499 days jail credit for time spent in confinement awaiting trial.

This case is on appeal to the North Carolina Appeals Court at the present time.

DAPP 36a
5/86

DEPARTMENT OF CORRECTION
CRIME VERSION SUPPLEMENT

Subject: James Blackmon 20853-78

CONFIDENTIAL

References and Comments:

Detective J. C. Holder of the Raleigh Police Department said that on or about 3/23/83 he received information from a reliable informant that a black male subject was a patient at Dorothea Dix Hospital and was talking about murders that he had committed in the Raleigh area. The informant said that the patient had mentioned the murder of a black female at St. Augustine's College in the late 1970s. The patient had been very graphic in his description of how he killed the victim.

Detective Holder said that after he had done some background follow-up on this subject that he went to Dorothea Dix Hospital several times to talk with the subject and gain his confidence. He said that after the subject had been on medication for some time that he and another detective named "Mundy" got permission to take the subject out of Dorothea Dix Hospital to the St. Augustine's campus. He said that the subject showed them how he entered Latham Hall and the exact stall that the assault took place in. The subject also showed them how he left the crime scene and where he had left the knife and the shirt in the wooded area on the campus.

Detective Holder said this subject is a very, very sick person who had a lot of mental problems. He said that the subject has a long history of admissions to mental hospitals and correctional institutions. He said that the subject has served several sentences in Attica correctional facility, Attica, New York. He said that the subject has a very assaultive record and has done other sentences in North Carolina and in certain counties in Florida.

Detective Holder said that he considered the subject a very dangerous person and would not recommend that the subject ever be considered for parole on the sentence he is now serving.

RECOMMENDATION AND COMMENTS:

I am attaching some copies of the police report that I was able to obtain that were on microfilm. I did not copy the whole case, but I copied pages that I felt would be important to this case in case you need this information for review purposes.

In talking to Detective Holder, I also learned that this subject has a very long mental illness background and should be kept in a very secure area because he could also be a danger to himself and to other people while he is in the Department of Correction. Some of the subject's records indicate that he is suicidal and homicidal and has many multiple personalities and has been diagnosed as paranoid schizophrenic in active phase, antisocial, and delusional.

Before this subject is ever considered for parole on the sentence he is now serving, his case needs to be thoroughly reviewed and a complete psychological evaluation be done on him with high recommendations from the psychological evaluation before he is ever considered for parole again.

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Handout 38

North Carolina Department Of Public Safety
Offender Public Information

View Offender Sentence Component

Back To Offender Information

Offender Infractions

Offender Number: 0032814 Offender Name: JAMES BLACKMON

Infraction Date	Infraction Type
10/14/2018	FIGHTING
08/28/2018	DISOBEY ORDER
07/25/2018	DISOBEY ORDER
07/25/2018	SEXUAL ACT
05/23/2018	DISOBEY ORDER
01/23/2018	DISOBEY ORDER
01/23/2018	DAMAGE STATE/ANOTHERS PROPERTY
01/23/2018	LOCK TAMPERING
01/22/2018	SEXUAL ACT
01/01/2018	LOCK TAMPERING
11/22/2017	DISOBEY ORDER
11/22/2017	PROFANE LANGUAGE
11/22/2017	THREATEN TO HARM/INJURE STAFF
10/29/2017	DISOBEY ORDER
10/29/2017	SEXUAL ACT
10/25/2017	SEXUAL ACT
10/02/2017	DISOBEY ORDER
10/02/2017	FIGHTING
08/18/2017	DISOBEY ORDER
08/18/2017	LOCK TAMPERING
06/09/2017	SEXUAL ACT
05/12/2017	DISOBEY ORDER
05/12/2017	THREATEN TO HARM/INJURE STAFF
05/12/2017	SEXUAL ACT
12/25/2016	DISOBEY ORDER
12/25/2016	SEXUAL ACT
08/13/2016	DISOBEY ORDER
08/13/2016	PROFANE LANGUAGE
08/13/2016	SEXUAL ACT
08/12/2016	PROFANE LANGUAGE

08/12/2016	THREATEN TO HARM/INJURE STAFF
08/05/2016	PROFANE LANGUAGE
08/05/2016	THREATEN TO HARM/INJURE STAFF
04/27/2016	DISOBEY ORDER
04/27/2016	THREATEN TO HARM/INJURE STAFF
04/27/2016	SEXUAL ACT
04/27/2016	DISOBEY ORDER
04/27/2016	SEXUAL ACT
04/22/2016	SEXUAL ACT
04/17/2016	DISOBEY ORDER
04/17/2016	ATTEMPT CLASS B OFFENSE
04/17/2016	SEXUAL ACT
04/15/2016	DISOBEY ORDER
04/15/2016	SEXUAL ACT
01/12/2016	SEXUAL ACT
10/05/2015	ASSAULT STAFF/THROWING LIQUIDS
08/11/2015	DISOBEY ORDER
08/11/2015	THREATEN TO HARM/INJURE STAFF
06/03/2015	SEXUAL ACT
03/31/2015	SEXUAL ACT
03/27/2014	DISOBEY ORDER
03/27/2014	REFUSE SUBMIT/DRUG/BREATH TEST
11/04/2013	PROFANE LANGUAGE
11/04/2013	SEXUAL ACT
11/04/2013	DISOBEY ORDER
11/04/2013	SEXUAL ACT
10/17/2013	DISOBEY ORDER
10/17/2013	SEXUAL ACT
10/12/2013	DISOBEY ORDER
10/12/2013	SEXUAL ACT
10/11/2013	SEXUAL ACT
10/11/2013	DISOBEY ORDER
10/11/2013	ATTEMPT CLASS B OFFENSE
10/11/2013	VERBAL THREAT
10/11/2013	DISOBEY ORDER
10/11/2013	PROFANE LANGUAGE
10/11/2013	SEXUAL ACT
10/03/2013	SEXUAL ACT
09/10/2013	DISOBEY ORDER
09/10/2013	SEXUAL ACT
04/29/2013	MISUSE/UNAUTH-USE PHONE/MAIL
03/24/2012	HIGH RISK ACT
11/14/2010	PROFANE LANGUAGE
03/12/2007	SEXUAL ACT
07/27/1998	VERBAL THREAT
07/27/1998	PROFANE LANGUAGE

07/26/1994	VERBAL THREAT
12/05/1993	FIGHTING
10/14/1993	PROVOKE ASSAULT
10/14/1993	PROVOKE ASSAULT
08/27/1993	PROVOKE ASSAULT
07/06/1993	PROPERTY TAMPERING
04/17/1993	VERBAL THREAT
04/15/1993	PROFANE LANGUAGE
04/08/1993	VERBAL THREAT
02/07/1993	DISOBEY ORDER
02/06/1993	VERBAL THREAT
02/05/1993	VERBAL THREAT
02/05/1993	PROFANE LANGUAGE
12/27/1992	VERBAL THREAT
10/29/1992	ATTEMPT CLASS B OFFENSE
09/14/1992	NO THREAT CONTRABAND
07/16/1992	PROFANE LANGUAGE
01/02/1992	VERBAL THREAT
12/17/1991	FIGHTING
09/01/1991	FIGHTING
03/27/1991	PROVOKE ASSAULT
03/26/1991	PROVOKE ASSAULT
11/04/1990	VERBAL THREAT
08/20/1990	PROVOKE ASSAULT
05/22/1990	VERBAL THREAT
04/28/1990	DISOBEY ORDER
12/02/1989	ATTEMPT CLASS B OFFENSE
07/22/1989	PROFANE LANGUAGE
05/05/1989	FIGHTING
02/22/1989	ATTEMPT CLASS B OFFENSE
06/28/1988	PROVOKE ASSAULT

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JAMES BLACKMON NCDPS INFRACTIONS AND MENTAL HEALTH NOTES

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
6/28/1988: Provoke Assault	• 5/26/1988: Covering himself in a white sheet (previous observations note that when he is decompensating he will wrap himself in sheets). Says he is speaking to his mother in his imagination in India and that his daughter came to Raleigh and danced. • 6/28/1988: "Lost control and assaulted a staff member by hitting him on the face and trying to pull him through the bars." Upset about the amount of medication he was taking. • 6/30/1988: Still wearing the sheet, but "psychosis is very effectively masked at the present time." • 7/12/1988: No psychotic thought disorder.
2/22/1989: Attempt Class B Offense	• No reports regarding mental status around this time, but had been transferred to Central Prison and placed on segregation after 6/28/1988 assault. He had also been refusing medication.
5/5/1989: Fighting	• 5/3/1989: Generally cooperative and friendly since being transferred back to Eastern Correctional. Handled news of appeal denial appropriately. Maintained control during argument with another inmate. • 5/11/1989: Referred back to Central Prison due to "deteriorating condition and refusing medication. Fixation on religion led to a fight with another inmate." "He became increasingly agitated and threatened to set fires and threatened to throw feces on staff and assault officers if not transferred back to CP Mental Health."
7/22/1989: Profane Language	• 6/28/1989: Transferred back to Eastern Correctional. Polite and cooperative. Decreased medication. • 7/18/1989: Threatens to refuse taking his medication. • 7/26/1989: Notes that he initially made a satisfactory adjustment, but then became noncompliant with meds. Put in ad-seg on 7/22/1989 for threatening a sergeant that asked Blackmon to turn his radio down.
12/2/1989: Attempt Class B Offense	• 11/14/1989: Missing medications due to complaints about side effects, but agreed to a reduced dosage. • 11/15/1989: Described as grandiose and demanding. Minor behavior incidents over previous 30 days. Generally appropriate but became irritated about custody status. • 11/29/1989: Referred back to Central Prison for refusing medication and mental status deteriorating. No delusions or hallucinations reported.
4/28/1990: Disobey Order 5/22/1990: Verbal Threat	• 3/21/1990: Fairly stable over previous month. Spitting out medications at times, but not "problematic."

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
	• Placed in ad-seg on 5/23/1990 for "hostile acting out behavior." Increasingly more agitated and hostile, which led to an "explosive outburst" on 5/22/1989.
8/20/1990: Provoke Assault	• 8/9/1990: "…rather up and down month, but all in all not too much difficulty." Refuses medication when angry. Hostile and angry to staff.
11/4/1990: Verbal Threat	• 11/16/1990: Placed in therapeutic seclusion "due to the uncertainty of the charges and the individual's response to the committee." • 11/27/1990: "History of deterioration which results in severe physical aggression towards others."
3/26/1991: Provoke Assault 3/27/1991: Provoke Assault	• 2/8/1991: Reported "becoming more upset and having trouble with his thoughts." • 3/25/1991: Angry and hostile. Not willing/able to talk about basic routine and expectations.
9/1/1991: Fighting	• No reports close in time to this infraction, but he had been in ad-seg in May and June 1991. Reports note minor incidents since returning from ad-seg. Refused medication a few times.
12/17/1991: Fighting	• Was noted to be making a good adjustment and being cooperative after being taken off ad-seg.
1/2/1992: Verbal Threat	• 2/5/1992: "By history, he develops poor compliance with chemotherapy[1], decompensates, necessitating transfer back to Central Prison Mental Health. When this happens, there is usually marked religiosity and grandiose delusions. He can become quite assaultive."
7/16/1992: Profane Language	• 7/15/1992: No significant management problems, but overall mental status is noted as less stable. Demanding, angry, and argumentative. Alleging conspiracies. Being inconsistent with medications and when asked about it, Blackmon alleged the medications were trying to control his mind. • 7/31/1992: Inconsistent with mediation. Blackmon says woman in National Geographic magazine is his wife and the child in picture is his child. Persistent, strong demand to go to India. "It seems to be a more self-centered attention seeking activity." Poor articulation and vocabulary.
9/14/1992: No Threat Contraband	• 8/12/1992: Extremely demanding of staff leading to writeup. Grandiose delusions about special powers. • 9/9/1992: Has shown improvement over previous month. No significant management problems, but not consistent with medication.
10/29/1992: Attempt Class B Offense	• 10/9/1992: Disruptive behavior, but more compliant with medication. Appropriate grooming and interactions. • 11/30/1992: Transferred back to Central Prison for not taking medication. He was beginning to decompensate.

[1] Some reports use the phrase "chemotherapy" to refer to medications Blackmon is taking related to his mental health, not cancer treatments.

JAMES BLACKMON NCDPS INFRACTIONS AND MENTAL HEALTH NOTES

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
12/27/1992: Verbal Threat	• 11/30/1992: Delusional but beginning to improve slowly. • 12/16/1992: On segregation since returning to Eastern Correctional on 12/4/1992. Angry about discipline packet not being processed and refusing to take meds.
2/5/1993: Verbal Threat 2/5/1993: Profane Language 2/6/1993: Verbal Threat 2/7/1993: Disobey Order	• 1/13/1993: Relatively stable, but on segregation for previous infractions. Partial compliance with meds. • 1/13/1992: Not taking medications. Delusions that a nurse is his wife and mother of his children. Also talks about a girlfriend in India. • 2/15/1993: Pleasant and cooperative. Sometimes hears voices but not voicing his "usual" delusions. • 2/19/1993: On ad-seg with two charges pending: threatening a nurse and disobeyed/showed disrespect when an officer asked him to remove something from the wall. Some auditory hallucinations and delusions of grandeur.
4/8/1993: Verbal Threat 4/15/1993: Profane Language 4/17/1993: Verbal Threat	• 3/22/1993: Doing well. No hallucinations. Medication lowered. • 4/7/1993: Clean, but wearing a headdress and scarf made from his underwear. Thought was illogical and difficult to follow.
7/6/1993: Property Tampering	• 6/1993: Refusing medication. Some visual hallucinations. Irritable, agitated, and hostile. Some suspicion that Blackmon is trying to find a way to get back to Central Prison by refusing medications or acting out. • 7/9/1993: Not compliant with medication and becoming increasingly psychotic. Transferred back to Central Prison. Indicates he was refusing medication because he thought other inmates were trying to harm him.
8/27/1993: Provoke Assault	• 7/29/1993: Cooperative and stabilized. Sent back to Eastern Correctional.
10/14/1993: Provoke Assault (x2)	• 10/13/1993: Appropriate appearance but illogical, bizarre ideation. Unrealistic thoughts about release from prison. Compliant with medication. • 11/12/1993: States he recently assaulted another inmate and spit on a female staff person. Not tolerating segregation well and sent back to Central Prison.
12/25/1993: Fighting	• 1225/1993: Put into therapeutic seclusion upon arrival back at Central Prison. Medication compliant. Baseline behavior with episodes of aggression. Struck the nurse's station on 12/25/1993. Stabilized.
7/26/1994: Verbal Threat	• 5/26/1994: Caught masturbating in his cell at female guard. No disciplinary action.

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
	• 7/21/1994: Complies with treatment plan. Some grandiose delusions and bizarre ideations. • 7/27/1994: Threatened another inmate on 7/26/1994. Check "yes" after "Did the patient's mental illness contribute significantly to the alleged disciplinary offense." Check "yes" after "Does the patient's current mental status contraindicate a particular form of punishment." • 8/16/1994: Transferred to Central Prison after rapid decompensation secondary to medication non-compliance. Hostile, agitated, aggressive, preoccupied with religion, sheets tied around body. • 8/31/1994: Arrived decompensated and non-verbal. Medication ineffective.
7/27/1998: Verbal Threat; Profane Language	• 7/14/1998: Feeling bad and depressed. Stopped medication due to side effects. • 7/21/1998: Seemed to be in good spirits. Conversation is "more on target." • 7/28/1998: Staff caught him trying to burn something on 7/26/1998. He claimed it was a religious ceremony. Demands to be sent back to Central Prison or will stop medication. Didn't appear psychotic.
3/12/2007: Sexual Act	• 3/12/2007: Written up for masturbatory behavior. Says the urge "overtook him." Having issues with medication. • 3/21/2007: Explanation of the masturbation incident is "I'm human."
11/4/2010: Profane Language	• 10/4/2010: Stopped taking one of his medications but agreed to restart. • 10/12-10/15/2010: Stable, appropriate behavior. • 11/15/2010: Not meeting treatment goals. Says he was pressured to leave his job in the kitchen and the officer cursed him, so he cursed him back.
3/24/2012: High Risk Act	• 3/6/2012: No hallucinations. Doing well on medications. • 3/28/2012: In segregation for misunderstanding related to obtained urine sample, but dealing with it well. Socially appropriate.
4/29/2013: Misuse/Unauthorized Use Phone/Mail	• 4/24/2013: Doing well. Socially appropriate. No hallucinations.
9/10/2013: Disobey Order 9/10/2013: Sexual Act 10/3/2013: Sexual Act 10/11/2013: Sexual Act (x2) 10/11/2013: Profane Language	• 7/30/2013: Wants to stop medication due to side effects and blames mental health treatment for not being able to get out of prison. Otherwise appropriate. • 8/14/2013: Wants to stop taking his other two medications. • 8/19/2013: Stated he no longer needed a psychologist and didn't need medication because he was doing well. • 9/5/2013: Wants to get back on medication, but would prefer different ones.

JAMES BLACKMON NCDPS INFRACTIONS AND MENTAL HEALTH NOTES

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
10/11/2013: Disobey Order (x2) 10/11/2013: Verbal Threat 10/11/2013: Attempt Class B Offense 10/12/2013: Sexual Act 10/12/2013: Disobey Order 10/17/2013: Sexual Act 10/17/2013: Disobey Order 11/4/2013: Sexual Act (x2) 11/4/2013: Disobey Order 11/4/2013: Profane Language	• 9/10/2013: Displays appropriate behavior. • 9/16/2013: Urgent appointment due to decompensation. No longer wants to take Clozaril due to blood draws. Has been caught masturbating in public. Less violent than in the past but still unpredictable. Socially appropriate with clear associations. • 9/26/2013: Agreed to take his medications for one month. • 10/1/2013: Complaints about medication. • 10/9/2013: In segregation. No delusions but did not make connection with change in medication and time in segregation. • 10/14/2013: Disheveled, wearing a shirt as a turban and a sheet as a skirt. Cell is dirty. Religious and sexual preoccupations. Verbal reports of unusual behavior (dancing naked in cell). Not taking medication. "Inmate has been slowly decompensating since he stopped taking Clozaril in May." • 10/14/2013: Sent to Central Prison. • 11/5/2013: Poor compliance with medication. Sexual preoccupation. In seclusion with checks every 15 minutes due to unusual behavior. Some improvement.
3/27/2014: Disobey Order; Refuse to Submit to Drug/Breath Test	• 2/13/2014: Paranoid ideation and conflicts with officers. Psychotic and argumentative. Religious delusions. Nurses observed him masturbating and he is making "religious artifacts" in his cell. • 3/13/2014: Guarded and distressed. No psychotic symptoms. • 3/17/2014: Depressed and requests medication for nerves.
3/31/2015: Sexual Act	• No reports related to mental health around the time of this infraction.
6/3/2015: Sexual Act	• No reports related to mental health around the time of this infraction.
8/11/2015: Disobey Order; Threaten to Harm or Injure 10/5/2015: Assault Staff/Throwing Liquids	• 9/18/2015: Unhappy about being on segregation, but thought processes intact. • 10/12/2015: Noted to be hyper religious.
1/12/2016: Sexual Act 4/15/2016: Sexual Act 4/15/2016: Disobey Order 4/17/2016: Sexual Act 4/17/2016: Disobey Order 4/17/2016: Attempt Class B Offense	• 12/10/2015: Somewhat delusional and preoccupied. • 1/4/2016: Agitated over issues with other inmates. Refusing medication. • 1/12/2015: Written up this day, but medication compliant. • 4/6/2016: Agitated and socially inappropriate. Medication compliant. • 4/13/2016: Reports that UFOs and Big Food are real. Irritable but socially appropriate and medication compliant. • 4/20/2016: Inappropriate sexual behavior. Expressing frustration.

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
4/22/2016: Sexual Act 4/27/2016: Sexual Act (x2) 4/27/2016: Disobey Order (x2) 4/27/2016: Threaten to Harm or Injure	• 4/22/2016: Threw a tray at a guard. Appears angry but was med compliant. • 4/28/2016: Standing naked in his cell door. Upset over loss of property and religious items. Was able to be convinced to dress again. • 5/5/2016: Refusing medication since 4/28/2018. Says he is not taking "mind meds" because they read his mind. Socially appropriate and "his thinking appeared normal." Medication noncompliant and remains on ad-seg. • 5/10/2016: Elevated risk of violence due to noncompliance with medication and history of violent behavior.
8/5/2016: Profane Language 8/5/2016: Threaten to Harm or Injure 8/12/2016: Threaten to Harm or Injury 8/12/2016: Profane Language 8/13/2016: Sexual Act 8/13/2016: Disobey Order 8/13/2016: Profane Language	• 7/22/2016: In crisis intervention. Medication compliant but agitated and opposition. Threatened staff while being given injections for stability, but did improve after the injections. • 7/29/2016: Doing better. • 8/4/2016: Less opposition and defiant. • 8/11/2016: Not causing problems in segregation. • 8/15/2016: Argumentative and verbally threatening.
12/25/2016: Sexual Act; Disobey Order	• 11/21/2016: M-FAST[2] score indicates he is not malingering mental illness or exaggerating symptoms. Did endorse items on the Extreme Symptomology scale indicating his experience of symptoms with atypical severity and presentation. Depression and hearing voices "from either his right or left ear, but rarely both at the same time." • 11/22/2016: Restrained for intake. Reported bad dreams but no hallucinations.
5/12/2017: Threaten to Harm or Injure 5/12/2017: Sexual Act 5/12/2017: Disobey Order 6/9/2017: Sexual Act	• 2/3/2017: Dressed in religious sheets. "Clearly delusional" but putting in his best effort. Auditory and visual hallucinations, but didn't provide other details. "Only I am the lord and master over that." He "used to draw a lot of spaceships because what you see is what you draw." Referred to himself as "the lion" and his "own creator and creator of the world." • No other reports related to mental health around this time period.

[2] Miller Forensic Assessment of Symptoms Test – used to screen for malingering psychiatric illness in adults.

JAMES BLACKMON NCDPS INFRACTIONS AND MENTAL HEALTH NOTES

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
8/18/2017: Disobey Order; Lock Tampering	• 8/27/2018: Not brought out to treatment because he has been openly masturbating. Reports that someone is hurting him and "Jesus is the only way."
10/2/2017: Fighting 10/2/2017: Disobey Order 10/25/2017: Sexual Act 10/29/2017: Sexual Act 10/29/2017: Disobey Order 11/22/2017: Threaten to Harm or Injury 11/22/2017: Profane Language 11/22/2017: Disobey Order	• 9/8/2017: Not compliant with medication and has become increasingly agitated. Religiously preoccupied. Blackmon noted he became less hypersexual after a medication change. • 10/25/2017: "Mr. Blackmon was sent back from the treatment mall due to masturbating while in the movie room with other inmates. He has been refusing his Depakote and at times his Zyprexa. He is impulsive and his mood appears to be decompensating." • 10/26/2017: Refusing some doses of medication. Openly masturbating the day before in front of men and women. Hostile and angry. Appears to be delusional. • 11/1/2017: "[h]is behavior of masturbating in front of others as well as irritable/anger was significantly better and not an issue when he was compliant with medication" and that "when un-medicated, he openly masturbates and makes sexual remarks." This report further indicates that the committee decided that Blackmon met criteria for involuntary medication. • 11/8/2017: Appeared to be doing better after a few doses of an antipsychotic.
1/1/2018: Lock Tampering 1/22/2018: Sexual Act 1/23/2018: Lock Tampering 1/23/2018: Damaging State/Another's Property 1/23/2018: Disobey Order	• 1/3/2018: Angry and hostile. Denies hallucinations. • 1/9/2018: Recent infraction. Agitated and breaking rules. Claims to be med compliant. • 1/24/2018: Evaluation after an episode of violence. Admits to frequent masturbation. Was denied meal tray after being found masturbating in his cell, so he broke the cell window by hitting it with his cane. Visual and audio hallucinations (sees angel that speak to him). That morning, he was kicking his door and talking loudly. Increase in medication ordered. • 2/8/2018: Altered course of treatment due to Blackmon's refusal to take medication that required a blood draw. Tolerated change well and felt it helped with racing thoughts and preoccupations. No recent behavioral problems. Has not been openly masturbating. Currently calm and cooperative.
5/23/2018: Disobey Order	• 2/21/2018: Sent back to Maury CI. Put in residential treatment on 6/1/2018. • 3/1/2018: "The record indicates he decompensates very quickly off medications and exhibits symptoms including paranoid delusional beliefs about aliens controlling things, hallucinations, social withdrawal, and extremely assaultive behavior. Documentation also suggests symptoms that include frequent masturbation, racing thoughts, sexual preoccupation, depressed mood, and sleep disturbances." • 3/21/2018: Discusses a daughter in India. Otherwise, no hallucinations, delusions, or paranoia.

DATE: INFRACTION(S)	NOTES REGARDING MENTAL HEALTH FROM AROUND TIME OF INFRACTION (FROM NCDPS MENTAL HEALTH RECORDS)
	• 5/10/2018: Paranoia about the motives of others. Difficulty trusting others. Delusional thoughts about ancestors/relatives. Change in medication (back to Haldol).
7/25/2018: Sexual Act; Disobey Order	• 6/19/2018: Logical. No delusions/hallucinations/paranoid. "The record indicates he decompensates very quickly off medications."
8/28/2018: Disobey Order	• 7/20/2018: "The record indicates he decompensates very quickly when he is medication, noncompliance and exhibits psychotic symptoms including paranoia, delusional ideation, hallucinations, assaultive behavior, frequent masturbation, racing thoughts, sexual preoccupation, depressed mood, assaultive behavior, and sleep disturbances, Mr. Blackmon was at CP from 2014 until 2018 where he was treated in the inpatient and residential programs. He was stirred (sic) medications involuntarily beginning 11/02/17, with a 90 day extension granted on 11/30/17. He was intermittently on restrictive housing status and mental health seclusion. In December 2017, he was unable to attend treatment mall due to excessive incidents of indecent exposure." • 7/25/2018: Medication compliant. Showing verbal and physical aggression. Difficult to address behaviors due to reluctance of other offenders to report him for fear of retaliation and staff not writing him up consistently or following through. No hallucinations/delusions/paranoia noted. • 8/15/2018: Two recent infractions for sexually related offenses. Appeared soft spoken and pleasant. No hallucinations. 93% compliance with medications. • 9/12/2018: On restrictive housing since 7/28/2018. Pleasant. No hallucinations. Not med compliant. Some inappropriate sexual comments to female staff. Current infraction pending for disobeying order. 8/8/2018 incident was dismissed, despite recommendation for an assault charge, because of a timeframe violation. On that occasion, Mr. Blackmon reportedly bit another offender four times, breaking the skin and drawing blood.
10/14/2018: Fighting	• 10/2/2018: Refusing medication. No paranoid or hallucination, but some loose associations. • 10/10/2018: Recent infraction for disobeying orders. Difficult to redirect and became less friendly after being told there would be no discussion of past disciplinary issues. Generally cooperative, but can quickly become very angry and loud. Does not take responsibility for his actions or contributions to aggressive interchanges. Not med compliant.

Handout 39

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3 MS. MATOIAN: Okay. Is there anything
4 else in particular that you remember about the
5 case?
6 MR. MUNDAY: I don't -- just numerous
7 interviews with James Blackmon. I can't -- from
8 the -- he was arrested on what time -- in what
9 period of time?
10 MS. MATOIAN: I believe he was
11 arrested -- I was just looking at this --
12 November or December 1983.
13 MR. MUNDAY: Okay. Arrested. I'm
14 just trying to think back over what period of
15 time transpired as to -- so just looking at these
16 dates from '82 that Holder and I were assigned to
17 '83, as I recall James Blackmon was the focus of
18 the investigation, and most of our evidence, as I
19 recall, were focused towards James. He came in
20 on numerous times to be interviewed. Sometimes
21 we picked him up. Sometimes he came in on his
22 own. I remember him doing the interviews
23 speaking kind of in the third person, you know.
24 He was kind of a strange individual, wore a cape

1 most of the time, was a street person, was a
2 tough individual, I think.
3 At times, over the years, he had had a
4 number of issues, I think. At times, he was what
5 I would consider kind of a gentle type guy, but
6 at times he was easily agitated, which was kind
7 of the angle that we played with him trying to
8 get him to -- rather than us having to pick him
9 up, and we wanted him to feel comfortable that he
10 wanted to talk to us. And, of course, that was
11 our objective to get him in and talk to him about
12 this matter.
13 MS. MATOIAN: Did you ever feel like
14 he was faking any of his mental illness?
15 MR. MUNDAY: I think that James knew
16 how to convince the people at Dorothea Dix that
17 he needed to be admitted. I think that was
18 almost a game for him. If he felt like he needed
19 to go in there, he knew what he needed to do to
20 go there and convince them. And I think that was
21 the turn-on/turn-off thing that he could do on
22 his own.
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Handout 40

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7 MS. TANNER: I think I'm going to be like that if
8 I ever retire.
9 What was your perception of Mr. Blackmon's mental
10 capacity when you were talking to him? And I know you're
11 not a doctor, but I'm asking you --
12 ANDREW MUNDAY: Yeah, I know.
13 MS. TANNER: -- your perception as a -- as a
14 police officer and investigator.
15 ANDREW MUNDAY: James, when you got out and got in
16 a conversation with him, he could communicate with you
17 pretty good, you know, question and answers. And he was --
18 he was a little far out on things, you know. And he acted
19 crazy back when he was walking the streets and all this kind
20 of stuff. But once you get to know him, once he felt
21 comfortable with you, he would talk to you and cooperate,
22 you know.
23 MS. TANNER: When you say he was crazy out on the
24 streets, can you explain to me how that might relate to him
25 being dangerous, if that's correct, out on the streets?

1 ANDREW MUNDAY: Well, he -- at this time he had
2 long dreadlocks.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: Matted dreadlocks, you know. And
5 he wore a cape --
6 MS. TANNER: Okay.
7 ANDREW MUNDAY: -- like Superman or somebody.
8 And -- and everybody -- a lot of people were afraid of him.
9 MS. TANNER: And where was this?
10 ANDREW MUNDAY: Just when -- when he was walking
11 the streets.
12 MS. TANNER: In Raleigh or in --
13 ANDREW MUNDAY: Yes. In Raleigh is mainly what I
14 -- the only place I can talk about. And we -- Holder and I
15 got him accustomed to coming to the investigative division
16 on his own. And anytime he'd come in, we'd take him back
17 and sit down and talk to them. And the -- the detective who
18 worked the front desk -- he was an old guy -- he was afraid
19 of James. But James was -- his persona was, you know,
20 something from far out.
21 MS. TANNER: He was far out?
22 ANDREW MUNDAY: Yes. And on one occasion, we
23 carried him to Dorothea Dix. He called us up and told me he
24 wanted to go. He was feeling bad, bad spirits. And of
25 course, we'd load him up and take him over there.

1 And on one occasion, we were there -- and James
2 was very -- we could communicate good with him, do anything
3 we needed to do and he wanted to. But while we were there,
4 an NC State football player, black guy, went berserk and he
5 was being admitted. And they had him in one of those padded
6 rooms and it had the little square window that you could
7 look through and see him. He was locked up and we were out
8 here with James. And that kinda set James off, that guy
9 raising cane and cussing and all this kind of stuff. He
10 said, Let me in there with him. I can get him. I can shut
11 him up. And he would have went in if -- if anybody would
12 have let him. Of course we didn't.
13 MS. TANNER: Right.
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10 MS. TANNER: -- were there any questions in your
11 mind about Mr. Blackmon's statements?
12 ANDREW MUNDAY: In what way?
13 MS. TANNER: Let's break it up. Were there any
14 questions in your mind about Mr. Blackmon's ability to
15 correctly recall information?
16 ANDREW MUNDAY: I don't think so.
17 MS. TANNER: Okay. Were there any questions in
18 your mind about Mr. Blackmon's mental health as it related
19 to providing you with those statements?
20 ANDREW MUNDAY: You know, he seemed -- when you
21 got him in cooperative surroundings, he seemed like you
22 could communicate back and forth with him. He seemed fine.
23 MS. TANNER: Were there any questions in your mind
24 about Mr. Blackmon's abilities as a historian when you were
25 talking with him?

ANDREW MUNDAY: I don't think so, no.

Handout 41

DATES FOR DOROTHEA RECORDS FOR HOSPITALIZATIONS 1981-1983

***Records obtained from RPD File, SBI File (Dix abuse allegations), and State and Defense Appellate Briefs

DATES OF ADMISSION	DATES OF RECORDS
6/23/1981—6/14/1982	• 5/19/1981—Discharge Summary from DOC Central Hospital • 6/15/1981—Petition for Involuntary Commitment • 6/15/1981—Physician Evaluation for Admission/Denial/Referral • 6/18/1981—Physician Evaluation for Admission/Denial/Referral • 6/23/1981—Mental Health Clinic at Central Prison Clinical Notes • 6/23/1981—Dorothea Dix Transfer Summary • 7/21/1981—Initial Psychiatric Assessment • 7/22/1981—7/27/1981—Nursing Progress Notes • 7/30/1981—7/31/1981—Nursing Progress Notes • 8/5/1981—Annual Chronic Mental Status • 8/24/1981—Handwritten Note • 8/28/1981—9/9/1981—Nursing Progress Notes • 9/10/1981—Dorothea Dix Transfer Summary • 9/30/1981—10/1/1981—Nursing Progress Notes • 10/1/1981—Dorothea Dix Transfer Summary • 10/2/1981—Physician Examination and Evaluation to Determine Necessity for Involuntary Commitment • 10/12/1981—Dorothea Dix Transfer Summary • 10/14/1981—Dorothea Dix Transfer Summary • 10/20/1981—Dorothea Dix Transfer Summary • 11/26/1981—12/7/1981—Nursing Progress Notes • 12/4/1981—Dorothea Dix Transfer Summary • 12/7/1981—Dorothea Dix Transfer Summary • 6/14/1982—Discharge Summary and Aftercare Plan • 6/17/1982—Aftercare Plan • Undated—Drawings and two unsigned personal letters
1/21/1983—9/12/1983	• 1/21/1983—Evaluation for Admission • 1/21/1983—Dorothea Dix Transfer Summary • 1/22/1983—Initial Nursing Assessment • 1/25/1983—Dorothea Dix Transfer Summary • 1/25/1983—2/1/1983—Nursing Progress Notes • 2/4/1983—2/7/1983—Nursing Progress Notes • 2/8/1983—Initial Psychiatric Assessment

DATES OF ADMISSION	DATES OF RECORDS
	• 2/10/1983—Interim Social History • 2/19/1983—Psychological Evaluation and Recommendations • 2/21/1983—2/24/1983—Nursing Progress Notes • 2/27/1983—2/28/1983—Nursing Progress Notes • 3/2/1983—Dorothea Dix Transfer Summary • 3/4/1983—Nursing Progress Notes • 3/8/1983—Psychiatric History and Evaluation • 3/8/1983—Dorothea Dix Transfer Summary • 3/15/1983—Psychosocial Assessment • 3/15/1983—Activity Therapies Discipline Assessment • 4/10/1983—4/21/1983—Nursing Progress Notes • 4/15/1983—Dorothea Dix Transfer Summary • 4/25/1983—Dorothea Dix Transfer Summary • 4/25/1983—4/26/1983—Nursing Progress Notes • 5/3/1983—Qualified Physician Examination and Evaluation • 5/7/1983—Dorothea Dix Transfer Summary • 5/17/1983—Dorothea Dix Transfer Summary • 6/2/1983—Med-Surg Clinic/Consult Report • 7/25/1983—Authorization to Release Medical Information to SSA • 8/24/1983—8/27/1983—Nursing Progress Notes • 8/31/1983—9/12/1983—Nursing Progress Notes • 9/12/1983—Discharge Summary • 9/13/1983—Diagnosis Chart • 9/14/1983—Psychiatric History and Evaluation • Undated Comprehensive Nursing Assessment
10/2/1983—10/18/1983	• 10/2/1983—10/18/1983—Nursing Progress Notes • 10/2/1983—Nursing Assessment • 10/3/1983—Emergency Administration of Psychotropic Medication to Non-Consenting Patients Physician Certification • 10/11/1983—Interim Social History • 10/17/1983—Aftercare Plan • 10/1983—Amended Order in Involuntary Commitment Proceedings
10/18/1983—10/28/1983 (outpatient)	• 10/21/1983—Evaluation for Admission
10/28/1983—11/18/1983	• 10/28/1983—Evaluation for Admission • 10/28/1983—11/18/1983—Nursing Progress Notes

DATES OF ADMISSION	DATES OF RECORDS
	• 11/1/1983—Initial Psychiatric Assessment and Discharge Summary • 11/1/1983—Diagnosis Sheet • 11/16/1983—Letter from Dr. Rowles • 11/17/1983—Initial Psychiatric Assessment and Discharge Summary • 11/29/1983—Aftercare Plan
11/28/1983—12/7/1983	• 11/28/1983—Evaluation for Admission • 11/28/1983—12/7/1983—Nursing Progress Notes • 12/30/1983—Initial Psychiatric Assessment and Discharge Summary

Handout 42

November 9, 2018

State v. James Blackmon – 83 CRS 84695, Wake County

North Carolina Innocence Inquiry Commission Hearing November 14-16, 2018

I. Professional Qualifications

My Curriculum Vitae has been provided in full as Exhibit A to my report. I received my BA in Psychology, *summa cum laude*, from Emory University in 1981. I went on to receive my Masters in 1985 and Doctorate in 1989 from the University of Louisville. I completed an internship in Clinical-Forensic Psychology sponsored jointly by the University of North Carolina and the U.S. Department of Justice. My dissertation was "Legislative Changes and the Outcome of Pretrial Sanity Evaluations at a Federal Forensic Hospital: The Effects of the Insanity Defense Reform Act of 1984." I have been a licensed Psychologist in North Carolina since 1989. I spent the bulk of my career as a clinical psychologist at the Federal Correctional Complex in Butner, North Carolina and retired from there as Chief Psychologist in 2016. I have also maintained a private practice focusing on forensic psychological evaluations since 1999. I am an adjunct faculty member at the University of North Carolina and Duke University. I am certified in Forensic Psychology, and serve on the examination faculty of the American Board of Forensic Psychology.

I have testified approximately 139 times as an expert at trial and/or by deposition. The bulk of my testimony has been in Federal criminal proceedings and quasi-criminal commitments. The Commission compensated me at the rate of $300/hour for review and testimony. I spent approximately 9 hours in review on this case.

II. Materials Reviewed

In the present case, I was provided and reviewed the following materials:

A. The 1984 Evaluation of Blackmon by Dr. Rollins
B. Binghamton, NY Psychology Records for Blackmon from 1976
C. Attica Records for Blackmon from 1971-1974
D. Transcripts and reports related to Blackmon's interview with the Raleigh Police Department from October 25, 1983-December 7, 1983
E. Select Court Documents related to Blackmon's case which included the documents related to Blackmon's Motion to Suppress and appeal of that Motion as well as his plea transcript
F. Dorothea Dix Records for Blackmon that were gathered by the Commission from various sources, including the Raleigh Police Department and various court filings in Blackmon's case that were dated from 1980-1983
G. Select Mental Health Records from the Department of Public Safety from 1984-present.

I anticipate that any exhibits used during my testimony will come from these resources, though I may have additional opinions related to any documents and/or other exhibits that may be shown to me during the course of the hearing not listed here.

III. Research

I have submitted or will submit excerpts from the Diagnostic and Statistical Manual of Mental Disorders - 5th Edition, published by the American Psychiatric Association.

IV. Areas of Expertise

I anticipate being presented and qualified as an expert in forensic and clinical psychology. I have reviewed the records enumerated above, which comport with the types of records I would typically review in a criminal case. I have applied my training and expertise in analyzing these records and in forming my opinions.

V. Anticipated Opinions

I anticipate providing opinions based on my education, training, experience, and review of the above materials regarding the following:

A. What Blackmon's specific mental health diagnoses have been in the past.

Mr. Blackmon's clinical presentation appears to have changed little from approximately 1976 onward. He has none-the-less received a variety of diagnostic labels, deriving in part from periodic changes in the accepted nosology, in part from the waxing and waning of his symptoms which may be both naturally occurring and a result of medication treatment, and in part from the recognition that human behavior is multifaceted. Regarding the latter, historical diagnoses for Mr. Blackmon may be considered in four general categories

First, Mr. Blackmon has received diagnoses based on low tested or estimated intellectual ability, including notations of "very dull individual of below average intelligence," [Elmira Reception Center, 1971], "some mental retardation," [Attica Correctional Facility, 1974] and "Mental Retardation, Borderline" [Binghamton Psychiatric Center, 1978, p.3]. Formal testing has reportedly yielded overall IQ estimates from 80 using a less thorough test method [Maury Correctional Institution, 1999, #000133], to 69 using a more thorough-going measure [Dorothea Dix Hospital, 1982, #000051]. The latter score is at the boundary between ranges then described as Borderline Intellectual Functioning and Mild Mental Retardation, currently referred to as Mild Intellectual Disability. Of note, Mr. Blackmon was reportedly adjudicated "Mental[ly] Defective" in New York and placed in a state school, though that designation is a legal judgement rather than a clinical assessment. He was also briefly assigned a

diagnosis of "organic brain syndrome," (Attica, p.8) an archaic and ill-defined term that could denote a variety of central neurologic problems.

Mr. Blackmon has also occasionally received diagnoses based on maladaptive use of various substances including, among others, heroin, "speed", LSD, cannabis, and alcohol. Use of illicit substances is common in persons with severe mental illness, but may complicate treatment and management by interfering with prescribed medications, causing additional symptoms, and disinhibiting untoward behavior.

A third focus of diagnostic concern has been maladaptive personality traits, sometimes referred to as "character disorder." Mr. Blackmon has been viewed as exhibiting "...inadequate personality" [Attica, 1974], "Antisocial Personality Disorder with Borderline Features" [Dix 06/23/81 #000084], "Antisocial Personality Disorder and Borderline Personality Disorder" [Dix 1983], and "Mixed Personality Disorder with Primitive, Antisocial, and Aggressive Features" [Dix 10/15/84 #01156), among others.

Most relevant to the current inquiry, Mr. Blackmon has historically been diagnosed with conditions that comport with the common meaning of "mental illness." Documents from the correctional facility in Attica, NY in 1974 noted that "whether there is schizophrenia here is very difficult to assess at this time." (Attica p.2) Blackmon was admitted to Binghamton Psychiatric Center on two occasions in 1976 and eventually discharged in early 1978. Diagnoses at those times included "Schizophrenia, Paranoid" and he was treated with Thorazine, an antipsychotic medication (Binghamton, p.4). Descriptions of his behavior emphasized bizarre delusions but also hyperactivity and grandiosity. Consistent with the latter, staff at Dix Hospital noted a diagnosis of "Manic Depressive Psychosis, Manic Type" in 1981 (#000293). His treatment there included both anti-psychotic and mood-stabilizing medications at various points. When not medicated, Mr. Blackmon was described as hostile, volatile, and sometimes assaultive toward peers and staff. His records reflect a recurring pattern of medication compliance (or enforcement), gradual improvement to a manageable state with significant residual psychotic symptoms, and eventual non-compliance with a return of overtly aggressive behavior and general acting out.

According to the current Diagnostic and Statistical Manual of Mental Disorders ("DSM-5" pp. 99-105) Published by the American Psychiatric Association the principal symptoms of Schizophrenia include hallucinations, delusions, disorganized speech/incoherence, grossly disorganized or catatonic behavior, and negative symptoms, such as diminished self-care or lack of volition. Associated features include cognitive deficits in declarative memory (recall of facts and events), working memory, language, and other executive functions. Some individuals with Schizophrenia show social deficits, including impaired ability to infer the intentions of other people and may attend to and then interpret irrelevant events as meaningful, perhaps leading to the generation of explanatory delusions.

The principal symptoms of mania include abnormally elevated, expansive, or irritable mood and abnormally and persistently increased goal-directed activity or energy. During the episode of illness several of the following must be present: inflated self-esteem or grandiosity, decreased need for sleep, more talkative than usual or pressure to keep talking, flight of ideas/racing thoughts, distractibility, increase in goal-directed activity or agitation, and excessive involvement in activities that have potential for painful consequences. (see DSM-5 pp 123-124.)

During the time Mr. Blackmon became a subject of interest in the Murder of Ms. Peyton, he was briefly readmitted at Dorothea Dix hospital. A Discharge Summary dated 11/17/83 (#01165) noted the following diagnostic formulation:

Axis I No diagnosis
Axis II Antisocial Personality Disorder
Borderline Personality Disorder

A personality disorder is an enduring pattern of inner experience and behavior that deviates markedly from cultural expectations, is pervasive and inflexible, emerges in adolescence or early adulthood, is stable over time, and leads to distress or impairment. Antisocial Personality Disorder is characterized by disregard for and violation of the rights of others, including failure to conform to social and legal norms, deceitfulness, impulsivity, irritability and aggressiveness, reckless disregard for safety, irresponsibility, and lack of remorse. Borderline Personality Disorder is characterized by instability in relationships, self-image, and affect, as demonstrated by frantic efforts to avoid abandonment, unstable and intense personal relationships, unstable self-image, impulsivity in areas that can be self-damaging, recurrent suicidal threats, gestures, or self-mutilation, unstable affect, chronic feelings of emptiness, inappropriate or poorly controlled anger, or transient, stress-related paranoia or dissociative symptoms.

A Discharge Summary completed at Central Prison on 07/05/84 (covering the period of 01/06/84 to 5/11/84) (#000083) describes Mr. Blackmon as follows:

"James Blackman is a 30 year old black male who is referred to Central Prison as a safekeeper on court order due to a past history of mental health treatment, and a history of assaultive behavior towards officers and nurses. He is charged with murder. Mr. Blackman suffers from chronic schizophrenia. He is often disoriented to time, place and sometimes person. There are constant spasms of the facial muscles. He experiences hallucinations and responds to these. Extreme religiosity is present and he holds the delusions that he has special powers. He has often stated to this writer that he is from another planet and that he knows people who are able to destroy this one. Mr. Blackmon often becomes agitated and acts out." At that time he was treated with the antipsychotic medications Thorazine and Haldol, and Balafin (*sic* – presumably Baclofen) and Cogentin for side-effects.

In contrast, his diagnoses were listed as follows in the subsequent competence to stand trial evaluation by Dr. Rollins, dated 10/15/84:

Axis I: No diagnosis
Axis II: Mixed personality disorder with primitive, antisocial, and aggressive Features
(Of note, the terms primitive and aggressive are not part of the diagnostic nosology and appear to be used descriptively here.)

Mr. Blackmon was readmitted, apparently from the Wake County Jail, to Central Prison's Mental Health Unit on 12/28/84 and was discharged on or about 04/01/85. At that time he was diagnosed with "Schizophrenia, chronic undifferentiated type" and described as "a very bizarre individual, who is obviously psychotic." He was transferred to Eastern Correctional Center for further care.

Subsequent treatment records, including those from Central Prison, Eastern Correctional Center, Maury Correctional Center, and Hoke Correctional Institution consistently note Mr. Blackmon's life-long course of severe mental illness, identified as Schizophrenia. For example, an Inpatient Mental Health Assessment dated 04/05/88 and completed at Eastern Correctional Center (#003521) described Mr. Blackmon as follows:

"His clothes were wrinkled and his tennis shoes were haphazardly laced and were untied. Throughout the interview, he exhibited frequent facial grimacing, possibly as a result of side effects of medication. He is friendly and cooperative throughout the interview. He was awake, alert, but displayed poor attention and concentration. He was oriented to person and place, but did not know the date or the month. He had difficulty remembering the year. He displayed good immediate recall but memory for recent and remote events was unreliable. He spoke in a normal tone which was easily understood, but evidenced some loosening of associations. He was very reluctant, initially, in discussing his religious ideas, frequently stating "I don't like to talk about that." Eventually, he admitted that he had frequently heard voices and experienced visions although these were not as frequent or intense as in the past. He said that, through these visions, he was able to see future events. He believed that he was not of this world, and when pressed to elaborate, said he was "the son of man." To support this, he stood up and lowered his pants to show a birthmark on his left thigh which he believed to be the number 1. He also said that the number 7 was symbolic of God and that he had 7 toes. He related that he was unsure of his purpose, but felt that it would he revealed later in his life. There was no evidence of persecutory delusions and he denied any homicidal or suicidal ideations. Currently, he relates that he is content with his medications and states that these help him to relax. "

Psychiatric Diagnoses were listed as:

Axis I: 295.92 Undifferentiated Schizophrenia, Chronic
Axis II: V40.00 Borderline Intellectual Functioning

Staff noted that "It is likely that Mr. Blackmon will require indefinite residential mental health treatment."

Over the ensuing years he was consistently diagnosed with Schizophrenia, either Undifferentiated Type or Paranoid Type, generally though not always with Antisocial Personality Disorder. Occasionally Borderline Intellectual Functioning was noted (e.g. #001649 dated 04/07/93) as was substance abuse (e.g. #002539 dated 07/25/97). The presence of tardive dyskinesia, a disorder of movement related to treatment with antipsychotic medications was frequently noted. He appears to have cycled among correctional institutions with mental health facilities on a recurring basis.

In June 1995 his diagnoses were listed as (#002553):
Axis I - Undifferentiated Schizophrenia chronic
Axis II - Schizoid Personality
Antisocial Personality Disorder

In June of 2005 (#000988):
Axis I: Schizophrenia Paranoid Type, in partial remission with treatment
Axis II: Borderline Intellectual Functioning
Axis III: Tic Disorder, Dyskinesia

In June of 2014 (#000759):

Axis I: 295.90 Schizophrenia Undifferentiated Type Unspecified
292.90 Psychosis due to Substance Use
Axis II: 301.70 Antisocial Personality Disorder
V62.89 Borderline Intellectual Functioning
Axis III: Hypertension and cellulitis of both legs and degenerative arthritis

Records indicate that at various times Mr. Blackmon has been prescribed the following Anti-psychotic medications: Haldol (both by mouth and in long-acting injectable form), Navane, Thorazine, Stelazine, Prolixin (both oral and injectable), and Clozaril. He has also been treated with Baclofen, Artane, and Benadryl which are sometimes used to manage side-effects of the foregoing medicines. He has been prescribed Lithium, Tegretol, and Depakote, which are often used to treat symptoms of mania.

B. Mr. Blackmon's current mental health diagnoses

Psychological Testing completed at Central Prison on 02/23/17 (#000421 cf) notes the following:

"...noteworthy peculiarities in thinking and experience. [Blackmon] Likely experiences unusual perceptual or sensory events...as well as unusual ideas that may include magical thinking or delusional beliefs. His thought processes are likely to be marked by confusion, distractibility, and difficulty concentrating, and he may experience his

thoughts as blocked, withdrawn, or somehow influenced by others.... Mr. Blackmon describes problems potentially associated with elevated and variable mood. In particular, he is likely to have an active energy level that is perceptibly high to most observers. He may be involved in a wide variety of activities in a somewhat disorganized manner and may experience accelerated thought processes."

The most recent available Psychiatric Progress Note created at Maury Correctional Institution (#000023) on 10/02/18 documents the following diagnoses:

Schizoaffective disorder, bipolar type, most recent episode manic
Adjustment Disorder with Anxiety

The essential features of Schizoaffective Disorder are an uninterrupted period of illness involving a major mood episode, in this case manic, as described earlier, concurrent with the principal symptoms of Schizophrenia (delusions, hallucinations, disorganized speech, grossly disorganized or catatonic behavior, negative symptoms). The mood and psychotic symptoms must co-exist for the majority of the episode. This diagnosis appears appropriate to Mr. Blackmon's documented current presentation as well as his long-term history of co-existing psychotic and mood symptoms extending over at least forty years.

Adjustment Disorder refers to emotional or behavioral symptoms that develop in response to an identified stressor. The symptoms are clinically significant, out of proportion to the stressor, and cause significant impairment in social, occupational, or other important areas of functioning. It is unclear what motivated inclusion of this diagnosis.

Given the long-term consistency of Mr. Blackmon's clinical presentation, as outlined above, it is extremely unlikely that his peculiar behavior during the pendency of his investigation and subsequent adjudication was feigned. Numerous practitioners, both before and for a very lengthy period after that episode have consistently observed a chronically impaired individual with primarily psychotic symptoms that wax and wane, but persist even with aggressive medication treatment. It is very likely that he exhibited significant residual symptoms throughout the pendency of his prosecution.

C. How those specific mental conditions affect Blackmon's perceptions of reality and ability to report information.

Mr. Blackmon exhibits prominent delusions, hallucinations and disorganized speech.

Delusions are fixed, irrational beliefs that are not amenable to change despite contrary evidence. Some of his delusional preoccupations have been noted above, and focus on an idiosyncratic amalgam of Christian and Muslim themes (#000317). He views himself as the "son of man" and as having an as yet unclear purpose to be revealed later (#003521). He has interpreted his birthmark and his foot deformity as signs of his special significance. Some of his delusional thinking is bizarre, meaning clearly impossible and not understandable to others in our culture. His belief that his spirit can and does depart from his body and carry on actions elsewhere is one such delusion. He has also asserted that he can place herbs and oils on his skin and then, by touching another person, control them. (#000029) Beyond enumerating delusions, it is important to understand that they represent a defective thought process, and that elaborations and additional erroneous beliefs may develop on a continuing basis. It appears Mr. Blackmon interprets day-to-day events in the context of his assumed religious significance and other delusions. His delusions have a grandiose quality that contributes to his sometimes demanding approach to others.

Mr. Blackmon has also reported hallucinations over many years. Hallucinations are vivid, perception-like experiences in the absence of an actual stimulus. They are experienced as "real" by the affected individual but do not reflect objective, physical reality. Hallucinations are most frequently experienced as voices commenting upon or communicating with the patient and they often correlate with delusions. Mr. Blackmon "feels like hurting people when he sees the devil coming out of them." He said that he "sees devils and angels and he hears the voice of God directing the (sic) destiny." (#000049) Command hallucinations may influence the affected person to act in a particular manner. Mr. Blackmon has experienced the voice of God speaking to him through the television. (#000302)

Disorganized speech is understood to reflect disorganized thought, often referred to as loosening of associations. This quality is reflected in the following excerpt from Mr. Blackmon's writing to a staff member at Dix Hospital:

"...sunshine woman, as the wind blow. I see you in the chandeliers depths of my mind. Many forms of light. Let's come together on a sociable stage where we can activate on the emotions of being over-exalted. Precious lady, release the gas from your mind and let the purity of the snow come in. Don't erupt like a volcano. Take it one step at a time, my Asiatic woman. Asia means the everlasting state of infinity as you see the attraction of our harmony, as you withstand the dignity and pride of being the statue of Liberty of ladies of all worlds. But you must realize you are the atom's forces of the man's completion. But don't go ego-tripping, because if you do, you will be like a fallen object, out of our hemisphere. So stay on course and fly the plane in space and time which is true I master see our equality. Deal with the situation of everlasting rights of all nationalities, regardless of no matter. What decrees may be, because you are living on a plane of mind that no one can comprehend, but only I. If they can see your spiritual

substance of understanding every square root of your dimension. So take it easy and relax your mind."

D. How Blackmon's mental condition may have affected his interactions with law enforcement in this case.

Mr. Blackmon began interacting with detectives by 10/25/83, with his arrest occurring on 12/7/83. He appears to have been motivated to spend time with the detectives by his ongoing distress and because the police treated him deferentially. He communicated extensive, plainly delusional information to the detectives. Their lines of questioning included some focused, factual questions that are likely representative of general police work, while other questions took Mr. Blackmon's delusional ideas as their premise, and in some instances went beyond them. Given his thought disorder, Mr. Blackmon would have significant difficulty responding to questions that assume irrational premises. It is very difficult to know what useful information is obtained by asking a delusional individual to expound on those inherently irrational ideas. He appears to have acquiesced easily to questions posed in the latter form, in several instances giving answers directly contrary to his responses moments earlier. In other instances he provided responses that were internally contradictory. He also appeared to confabulate at times, developing a plausible response when he was otherwise uncertain.

It does not appear that manic symptoms figured prominently in the interviews and related interactions with police.

E. How side-effects of the medications prescribed to Mr. Blackmon may have affected his interactions with law enforcement in this case.

The Dix Hospital Discharge Summary dated 11/17/83 (#01165) indicates Mr. Blackmon was to continue taking a regimen of Haldol 60 mg by mouth at bedtime, Cogentin 2 mg by mouth twice a day, and Prolixin decanoate 50 mg. intramuscularly every two weeks, with the next dose scheduled for 11/21/83. (It is not clear whether he received that scheduled injection.) Based on my collaboration with multiple psychiatrists and numerous patients with mental disorders, I am aware of the typical side effects of Haldol and Prolixin. Those most relevant to interviews with law enforcement officials include sedation, dizziness, headache, and anxiety. Other side-effects, such as dry mouth, trouble sleeping, constipation, and blurred vision appear less relevant. Cogentin is typically prescribed to prevent some of the side effects just mentioned, but may have its own side effects, including blurred vision, constipation, decreased sweating, and dry mouth. The interviews and other information in the reviewed documents do not suggest that Mr. Blackmon was substantially burdened by medication side effects at that time.

The intended effects of the prescribed medications include reduction of hallucinations, delusions, and irritability. It appears that without the foregoing treatment, Mr. Blackmon may well have been too volatile and oppositional to cooperate with police interviews. Despite that treatment he continued to demonstrate significant residual psychotic symptoms as described earlier.

F. How his mental health condition affects his current behavior.

As of his most recent known contact on 10/02/18, Mr. Blackmon was being treated with injections of Haldol decanoate 150 mg Intramuscularly every four weeks, Haldol 10mg by mouth twice daily, Depakote 500 mg by mouth twice daily, and Vistaril "hundred" (*sic*) milligrams twice daily. These medications appear targeted to treat both psychotic and mood symptoms and are consistent with his treatment over many years. He was described as well-kempt, cooperative, and appropriate. His mood was neutral – neither depressed nor expansive or irritable. He was properly oriented. No perceptual disturbances (hallucinations) were noted. His thoughts were generally goal-directed but with some loosening of associations. No delusional content was noted by the treating psychiatrist. Significant medical concerns were identified. As mentioned above, Mr. Blackmon historically experiences cyclic improvement and decompensation, largely related to medication compliance versus non-compliance, but likely also as part of the episodic nature of manic symptoms. (#000083)

I reserve the right to make additional opinions as requested by Commission staff and/or during the Commission hearing based on what I have reviewed and my education, training, and experience.

Edward E. Landis, Ph.D., ABPP (Forensic)
Licensed Psychologist (NC #1632)

EXHIBIT A

Curriculum Vitae

(Updated January 10, 2018)

Edward "Rhett" Landis, Ph.D., ABPP

Practicing Psychologist

2734 Spencer Street
Durham, NC 27705
(919) 698-2318 ELANDIS@nc.rr.com

EDUCATIONAL HISTORY

University of North Carolina School of Medicine, Department of Psychiatry — September 1986 to October 1987

Doctoral Internship in Clinical-Forensic Psychology (APA-Approved Program)

University of Louisville, Graduate School of Arts and Sciences, Department of Psychology — September 1981 to May 1989

Doctor of Philosophy, 1989

Dissertation: *Legislative Changes and the Outcome of Pretrial Sanity Evaluations at a Federal Forensic Hospital: The Effects of the Insanity Defense Reform Act of 1984.*

Master of Arts, 1985

Thesis: *An Examination of Two Temporal Reference Systems*

Honors: University Fellowship, 1981-1983
Selected Chief Clinic Assistant, 1984-1985

Emory University, Atlanta, Georgia — August 1977 to June 1981

Bachelor of Arts, 1981

Thesis: *Organization, Categorization and Elaboration in Multi-Trial Free Recall*
Honors: *Summa Cum Laude*
Elected to *Psi Chi*

CLINICAL EXPERIENCE

Private Practice 1999 to present
Durham North Carolina
Practice limited to Forensic Psychological Assessment

Chief Psychologist
Federal Correctional Complex - Butner, North Carolina 2013 - 2016

Deputy Chief Psychologist - Evaluations and Behavioral Health,
Federal Correctional Complex - Butner, North Carolina 2008 - 2013

Director of Clinical Training/Forensic Psychologist, 1992 - 2008
Federal Correctional Institution/Complex - Butner, North Carolina

Forensic Psychologist, 1989-1991
Federal Correctional Institution - Butner, North Carolina

Psychological Associate, 1988-1989
Federal Correctional Institution - Butner, North Carolina

Psychology Intern, Department of Psychiatry, School of Medicine 1986-1987
University of North Carolina at Chapel Hill

Psychological Assistant, KMI Medical Center, La Grange, Kentucky 1985-1986

Psychological Associate, Heart Transplant Team, Jewish Hospital, 1984-1986
Louisville, Kentucky

Chief Clinic Assistant (Student Director), 1984-1985
University of Louisville, Kentucky

Clinic Assistant, Department of Psychology, University of Louisville 1983-1984

Student Clinician, Department of Psychology, University of Louisville 1981-1983

Psychology Trainee, Department of Veterans Affairs Medical Center, 1983
Louisville, Kentucky

Psychology Trainee, Southern Indiana Mental Health and Guidance Center, 1982
New Albany, Indiana

RESEARCH POSITIONS

Research Analyst
National Sex Offender Task Force, Federal Bureau of Prisons 1988

Research Analyst 1987-1988
Federal Correctional Institution - Butner, North Carolina

Psychology Intern 1987
Dorothea Dix Hospital, Raleigh, North Carolina
A Retrospective Study of Psychometric and Neuroendocrine Markers in Major Depression and Panic Disorder.

Research Assistant, Department of Psychology, University of Louisville 1985-1986
Conducted literature reviews for a series of case studies published by senior faculty. Prepared draft manuscripts. Supervisor: Robert G. Meyer, Ph.D.

Psychological Associate 1984-1986
Heart Transplant Team, Jewish Hospital, Louisville, Kentucky

Research Consultant 1986
Lifespring Mental Health Center, Clark County, Indiana

LICENSURE

North Carolina - Practicing Psychologist, Permanent - License #1632
(Health Service Provider Certification)

PROFESSIONAL ASSOCIATIONS AND TEACHING AFFILIATIONS

Diplomate in Forensic Psychology, American Board of Professional Psychology - #4877

Fellow and Treasurer, American Academy of Forensic Psychology

Member of the Examination Faculty, American Board of Forensic Psychology

Consulting Associate Professor - University of North Carolina School of Medicine, Department of Psychiatry and Psychology

Assistant Consulting Professor of Medical Psychology - Duke University Medical Center, Department of Psychiatry and Behavioral Sciences

National Register of Health Service Psychologists - listing #43422

Member, American Psychological Association
Division 12 (Clinical)
Division 41 (American Psychology-Law Society)

American Psychological Association Commission on Program Consultation and Accreditation
Site Visitor 1996 - 2002
Site Visit Chair 2002 - present

PUBLICATIONS

Journals and Periodicals:

Landis, E.R. (2005). Science, Practice, and the Law of Evidence in Psychology Training. *APPIC Newsletter*, 30 (1), 19-20.

Landis, E.R. (2004). Law and Legal Research for Psychology Trainees. *APPIC Newsletter*, 29 (1), 15.

Landis, E.R. (2004). Forensic Psychology Training. *APPIC Newsletter*, 28 (3), 24.

Landis, E.R., Krauss, D.A., & O'Connor, M. (2003). Legal update: involuntary treatment to restore competency to stand trial is constitutionally permissible in limited circumstances. *American Psychology-Law Society News,* 23 3, 8-10.

Landis, E.R. (2002). Legal update: involuntary treatment to restore competency to stand trial. *American Psychology-Law Society News,* 22, 1, 6-7 & 28.

Bourg, S., Connor, E.J. and Landis, E.R. (1995). The impact of expertise and sufficient information on psychologists' ability to detect malingering. *Behavioral Sciences and the Law, 13*, 505-515.

Books and Book Chapters:

Krauss, D., & Landis, E. (2016). [Vignettes 2a & 10c]: Commentary on ethical vignette. In G. Pirelli, R. Beattey, & P. Zapf (Eds.), *The ethical practice of forensic psychology: A casebook* (pp. 55-6, 333-4). New York: Oxford.

Duncan, S., Landis, E.R., Barber, K., and Denny, R. (1993). *How to conduct a thorough and professional forensic evaluation: a training manual for BOP psychologists.* Aurora, CO: Management and Specialty Training Center, Bureau of Prisons.

Landis E.R. (1992). Liability for the Violent and Suicidal Client. In Anderton, C.H. and Jackson, L. A. (Eds.) *Psychologist's Legal Handbook*. Raleigh, North Carolina: North Carolina Psychological Association.

Meyer, R.G., Landis, E.R., & Hays, J.R. (1989). *Law for the Psychotherapist*. New York: W. W. Norton.

SELECTED PRESENTATIONS

Landis, E. R. (18 November 2016). *PTSD, Schizophrenia, and Bipolar Disorder: Diagnostic Features, Legal Implications, and Accommodations.* NCAST- Durham, NC.

Cochrane, R., Landis, E.R., Sweda, M., and Fogel, M. (Aug. 8, 2014). *Law and Mental Health Training: Developmental Perspectives.* Panel Symposium. American Psychological Association Convention.

Landis, E.R. (Sept. 3, 2009). *Forensic psychological evidence for prosecutors*. National Advocacy Center, Columbia, S.C.

Landis, E.R. (June 2008). *Forensic psychological evidence for prosecutors*. National Advocacy Center, Columbia, S.C.

Landis, E.R., Wolfe, N., Barboriak, P., and Grey, A. (February 2007). *Does the client have capacity and for what?* University of North Carolina Psychiatry and Law Symposium, Chapel Hill, N.C.

Landis, E.R. (January 2005). *The role of psychological testing in forensic evaluation*. Invited lecture, Duke University School of Law, Durham, North Carolina.

Landis, E. R. (September, 2002). *Evaluation of competency to stand trial: an introduction for defense attorneys.* Invited presentation, annual training for Criminal Justice Act attorneys sponsored by the office of the Federal Public Defender, Wrightsville Beach, North Carolina.

Johnson, S.J., Landis, E.R., & McCormack T.S. (November 6, 2001*). The insanity defense and the evaluation of criminal responsibility.* Invited address, certification training for forensic examiners sponsored by the Georgia Department of Mental Health, Mental Retardation, and Substance Abuse, Helen, Georgia.

Landis, E.R. (Februrary 2001). *The role of psychological testing in forensic evaluation*. Invited lecture, Duke University School of Law, Durham, North Carolina.

Landis, E.R. (December 1999). *The insanity defense and other mental state defenses*. Annual Community Psychiatry Symposium. Duke University Medical Center. Durham, North Carolina.

Landis, E.R. (August 1998). *Revisiting the concept of moral insanity*. Invited Address. Duke University School of Law. Durham, North Carolina.

Landis, E.R. (March 1998). *Comprehensive strategies in assessing and managing risk of harm in mental health settings*. Invited address, University of North Carolina Task Force on Risk Management, Chapel Hill, N.C.

Landis, E.R. (March 1994) *The inpatient evaluation process regarding competency and insanity, and federal civil commitment.* Invited address, Federal Judicial Center Conference for Public Defenders, Philadelphia, PA.

Landis, E.R. (September 1992). *The role of psychological testing in personal injury litigation*. Invited lecture, Duke University School of Law.

Landis, E.R. (June 1990, May 1991, June 1992, July 1993, June 1994, July 1995, February 1996). *The insanity defense and other mental state defenses.* Annual Community Psychiatry Seminar. Duke University Medical Center. Durham, North Carolina.

Johnson, S. & Landis E. (March 1990). *The Sociopathic personality*. Coastal Region (North Carolina) Area Health Education Center meeting. Southern Pines, North Carolina.

Garbutt, J.C., Gillette, G.R., and Landis, E.R. (April 1987). *The panic/depression connection*. Grand Rounds presentation, Department of Psychiatry, University of North Carolina School of Medicine.

Landis, E.R. (February 1984). "*High Anxiety*." Three part television news report on the diagnosis, incidence, and treatment of phobias. WSOC-TV, Louisville, Kentucky.

Landis, E.R. (September 1982). *Directed strategies and incidental organization in list-learning.* Paper presented as part of annual research symposium, University of Louisville.

Landis, E.R. (April 1981). *Categorization, elaboration, and organization, in multi-trial free recall.* Emory University annual Research in Human Cognition Symposium.

AWARDS AND HONORS

Exemplary Service Award, American Board of Forensic Psychology, August 2014

Supervisor of the Year (2010 & 2013), Federal Correctional Complex, Butner North Carolina

Judy T. Konanc Award for Teaching and Supervision - July 1998
University of North Carolina School of Medicine
Department of Psychiatry

Bureau of Prisons, Mid-Atlantic Regional Director's Affirmative Action Award - 1998

Bureau of Prisons, Award for Outstanding Career Achievement -1994

Selected to attend the "Leadership Forum" sponsored by the Department of Justice
Alexandria, Virginia and Washington, D.C. - July 15 through 19, 1991

Honor Graduate - Federal Law Enforcement Training Center - June 29, 1989

Handout 43

College of Humanities and Social Sciences

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4400 University Drive 4F4 Fairfax, Virginia 22030
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November 7, 2018

North Carolina Innocence Inquiry Commission
Post Office Box 2448
Raleigh, NC 27602

In re: the State of North Carolina vs. James Blackmon, case # 83CRS84695

Thank you for contacting me on this case. As agreed, my hourly rate in this case is $250.00 per hour. Thus far, I have spent approximately 24-25 hours reviewing materials, writing the report, and on phone calls.

I. PROFESSIONAL QUALIFICATIONS

I am a Professor of Criminology, Law and Society at George Mason University. I received my PhD in Developmental Psychology from the University of California, Davis in 1999. I then spent three years at Stanford University School of Medicine in the Department of Psychiatry and Behavioral Sciences where I studied juvenile justice. I am a nationally and internationally recognized expert in the areas of legal decision-making, scientific methods, and specifically interrogation techniques and confessions. My research focuses on whether legal decision-making is knowing, intelligent, and voluntary and I have examined such decision-making in vulnerable (juveniles and persons with mental illness) and non-vulnerable defendants, and across several different contexts—in the interrogation room, during the guilty plea process, and in mental health courts. My research also focuses on wrongful convictions, with a particular focus on false confessions and false guilty pleas. My curriculum vitae was sent to you under separate cover.

I have published several papers on confessions and pleas, including the American Psychology-Law Society-(Division 41 of the American Psychological Association) sponsored scientific consensus paper (Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich, 2010), several reviews on the risk of false admissions and the methods used in false confession research, and misconceptions surrounding false confessions (e.g., Redlich, 2010; Redlich & Meissner, 2009; Meissner, Redlich, et al., 2014; Redlich, Bibas, Edkins, & Madon, 2017). I have also conducted original research on these topics (e.g., Kassin, Redlich, Alceste, & Luke, 2018; Redlich & Bonventre, 2015; Redlich, Kulish, & Steadman, 2011; Redlich, Summers, & Hoover, 2010; Redlich, Kelly, & Miller, 2014). In addition, I co-edited two volumes on international interviewing and interrogation practices, one focused on suspects and the other focused on victim/witnesses (Walsh, Oxburgh, Redlich, & Myklebust, 2016a and b).

I am often asked to educate audiences through invited presentations, including the New York State Bar Association, the International Society of Barristers, the U.S. Office of the Courts, and the Royal Mounted Canadian Police. I have testified as an expert witness approximately seven times, either in court or at depositions, in several states. I have also received funding from national agencies, including the Federal

Bureau of Investigation, the National Institute of Justice, and the National Science Foundation, to conduct research on interrogation and guilty pleas. In 2018, I was awarded the American Psychological Association Mid-Career Award for Outstanding Contributions to Benefit Children, Youth, and Families.

My curriculum vitae is attached as Appendix A.

II. MATERIALS REVIEWED

I have to date reviewed in whole or in part the following materials specifically pertaining to this case:
(1) Police reports – Initial investigation
(2) Police investigation photos
(3) Media information from police files
(4) Police reports – After Blackmon became suspect
(5) Blackmon's criminal history info gathered by police
(6) Blackmon's interviews with police 10.25.1983-12.7.1983
(7) Blackmon's state hospital records 1981-1983
(8) Court file documents
(9) Newspaper articles found by Commission
(10) Commission Interviews
(11) State's appellate brief with attachments
(12) Defendant's appellate brief with attachments
(13) SBI Summary of Dorothea Dix
(14) Blackmon statement in re Dorothea Dix incident
(15) 2018.10.22 Requested materials from SBI File
(16) Timeline
(17) DPS Education records
(18) NCIIC Interview with James Blackmon
(19) NCIIC Interviews with Munday and Holder

III. THE PSYCHOLOGY OF POLICE INTERROGATION AND FALSE CONFESSION

1. Recently, an alarmingly high incidence of wrongful convictions has been documented in the U.S., in large part due to "Innocence Projects," many of which utilize analyses of DNA from crime scenes to exonerate innocent persons. The best-known Innocence Project, administered through the Benjamin Cardozo School of Law in New York, to date has helped to free more than 350 people who had been wrongfully convicted. Approximately 25% of these cases involve false admissions. In addition, the National Registry of Exonerations has catalogued nearly 3,000 known wrongful convictions, of which about 10-12% are false confessions. Because of these realized and proven miscarriages of justice, the amount of research conducted on false confessions in the past 25 years has burgeoned and findings are generally accepted among scientists. Several comprehensive reviews and edited volumes have been published, including (but not limited to) Gudjonsson (2003; 2018); Kassin (2005; 2012; 2017); Kassin & Gudjonsson (2004); Lassiter (2004); Lassiter & Meissner (2010); and Leo (2008). Of note, the American Psychology-Law Society, Division 41 of the American Psychological Association, has sponsored and approved a scientific consensus paper on police interrogations and confessions (Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich, 2010).

2. Three main types of false confessions have been identified: 1) Voluntary; 2) Compliant; and 3) Internalized. Voluntary false confessions are those that are offered without coercion and on the person's own volition. Quintessential examples are persons who falsely confess to gain infamy or to protect friends or family (the true perpetrators). Compliant false confessions (also called coerced compliant) are the most commonly identified

and studied. These occur when the suspect's will is overborne and in order to escape an unbearable and stressful situation, the person provides a false confession. Most false confession DNA-exoneration cases are considered this kind. The final false confession type, Internalized, also involves the person's will being overborne and through manipulative interrogation techniques, the person comes to temporarily believe that s/he actually committed the crime. The person internalizes culpability for the crime.

3. There are several situational (characteristics associated with the interrogation itself and interrogative techniques) and dispositional (characteristics associated with the suspect) factors that have been identified as rationales behind false confession. The two dispositional factors most often cited are juvenile status and mental impairment, in which intellectual disability and mental illness are collapsed. In understanding why a person would confess to a crime (and often time, a serious or heinous crime) he or she did not commit, it is important to consider both situational and dispositional risk factors.

Police Interrogation Techniques: Situational Risk Factors

4. The ultimate goal of interrogating suspected criminals is to gain a confession (Inbau, Reid, Buckley, & Jayne, 2013). Establishing psychological control is a critical element toward that end. Beginning in the 1930s, U.S. police interrogative procedures changed from a use of physical intimidation to a more sophisticated use of psychological persuasion. Sociologist and renowned police interrogation expert, Dr. Richard Leo, in his analysis of 500+ hours of observed interrogation, likened police questioning to a confidence game, in which detectives "cultivate" and "con" suspects into admitting guilt. He wrote that "[C]ontemporary interrogation strategies are based on the manipulation and betrayal of trust" (p. 284, Leo, 1996; see also, Leo, 2008).

5. The most widely used set of interrogation tactics are referred to as the "Reid Technique" (explicitly mentioned in *Miranda v. Arizona*). Originally developed in 1947, the Reid Technique training manual, which is considered to be the "bible" of police interrogation, is now in its fifth edition (Inbau, Reid, et al., 2013). The Reid Technique involves 9 steps, in which Step 1 is Positive Confrontation (assertion of guilt by the interrogator) and Step 9 is the conversion of an oral confession into a written one. Other police interrogation training manuals and recommended techniques are derived from, or look similar to, the Reid Technique. More specifically, since the 1950s or so, US police interrogation techniques have been psychologically based.

6. Prior to an interrogation, however, a Behavioral Analysis Interview (BAI) is conducted. The purpose of the BAI is to determine if the person of interest is deceptive and therefore guilty. The BAI relies on evaluations of verbal responses, non-verbal behaviors (sweating, fidgeting, or dry mouth) and paralinguistic patterns (hesitant speech, response latency) to detect deception. However, more than three decades of research on deception detection (for a review, see Bond & DePaulo, 2006) has produced a clear, consistent, and unequivocal pattern of findings: 1) there is *no one behavioral cue* that is definitively indicative of deception, and 2) people (including and especially law enforcement) perform *no better than chance* at detecting deception. I also note that the interpretation of non-verbal clues in persons with mental illness may be especially unreliable because of the symptoms of the mental illness itself and/or because of the medications the person is taking (Redlich, 2004). Indeed, Reid and Associates state, "Investigators should be highly skeptical of the behavior symptoms of a person with psychiatric history" (p. 145, Inbau et al., 2013).

The importance of the BAI cannot be understated. If the suspect is deemed to be deceptive, a guilt-presumptive interrogation takes place; if the suspect is deemed to be a truth-teller, he or she is let go. Because of this presumption of guilt, the risk of confirmation bias and tunnel vision are high. Confirmation bias, a widely accepted psychological phenomenon, occurs when information that is consistent with one's hypothesis or expectations is given credence, whereas information that is inconsistent is discounted, ignored, or actively

re-interpreted to be consistent with the hypothesis. In many false confession cases, there is a sole focus on one suspect and evidence that implicates other suspects is not pursued.

Finally, police have developed methods to get suspects to talk "outside of Miranda." In many ways, the same psychologically oriented methods used in interrogation are used in the interview phase. Leo (2008) labels these methods as "softening up the suspect" (p. 121) and "recasting interrogation as a non-custodial interview" (p. 124).

7. In a review of police interrogations and confessions, Kassin and Gudjonsson (2004) summarize interrogations as involving three general phases involving: (a) *custody and isolation*, in which the suspect is detained in a small room and left to experience the anxiety, insecurity, and uncertainty associated with police questioning; (b) *confrontation*, in which the suspect is presumed guilty and told (sometimes falsely) about the evidence against him/her, is warned of the consequences associated with his/her guilt, and is prevented from denying his/her involvement in the crime (e.g., via interrogator monologues); and finally (c) *minimization*, in which a now sympathetic interrogator attempts to gain the suspect's trust, offers the suspect face-saving excuses or justifications for the crime, and implies more lenient consequences should the suspect provide a confession or harsher consequences if s/he does not.

An important part of police questioning is Theme Development, which is Step 2 in the 9-step Reid technique. Themes, or minimization techniques, are a "moral excuse" for the suspect's commission of the crime (see p. 232, Inbau et al., 2001). Interrogators develop scenarios of how or why the person committed the crime. These scenarios usually offer the suspect a morally acceptable way out, such as an accident scenario (the act was unintentional), justifiable (stealing to feed one's family), or beyond the person's control. This theme is used throughout the interrogation to achieve the ultimate goal of confession.

8. These three phases of isolation, confrontation, and minimization are quite effective. That is, police interrogation methods "work" (i.e., generate confessions) when employed on guilty suspects. The majority of suspects (approximately 65%) confess when it is their best interest not to.

However, these same methods can also "work" on innocent persons (false confessions). The methods used to distinguish between guilty and innocent suspects are inadequate and unreliable. Thus, when employed on innocent suspects, otherwise effective interrogation techniques become ineffective and dangerous. The potential for danger increases when modern-day interrogation techniques are used on innocent suspects with vulnerabilities such as cognitive and mental disabilities.

Vulnerable Suspects and Police Interrogation: Dispositional Risk Factors

There is much evidence to support that persons with vulnerabilities, including intellectual impairments and/or mental illness are at risk for false confession. Staff at the Innocence Project has stated "Truly startling is the number of false confession cases involving the mentally impaired and the mentally ill." Persons with mental impairment are overrepresented in studies of official exonerations and proven false confessions (see Drizin & Leo, 2004; Gross et al., 2005).

9. The characteristics and symptoms that operationally define mental illness and intellectual disability lend themselves to the production of false incriminating statements, particularly when viewed in light of psychologically manipulative interrogation tactics. The very reasons the U.S. Supreme Court cited in *Atkins v. Virginia* for excluding this group categorically from capital punishment are the same reasons that make them

at risk for false confession. Indeed, in *Atkins*, the Supreme Court explicitly mentioned the possibility of false confession as one rationale underlying their decision.

10. Perske (2004), a leading authority on persons with cognitive limitations and false confessions, lists several propensities of this population he uses when training police, including: 1) Relying on authority figures for solutions to everyday problems; 2) The desire to please persons in authority; 3) The inability to abstract from concrete thought; 4) Watching clues from the interrogator; 5) The longing for friends; 6) Bluffing greater competence than one possesses; 7) An all-too-pleasant façade; 8) Real memory gaps; 9) A quickness to take blame; 10) Impaired judgment; 11) An inability to understand court proceedings; 12) Problems with receptive and expressive language; 13) Short attention span; 14) Uncontrolled impulses; 15) An unsteady gait and struggling speech; and 16) Exhaustion and surrender of all defenses.

11. Appelbaum and Appelbaum (1994) reviewed the criminal justice related competencies of persons with intellectual impairments. They note three areas of particular relevance to the legal system: difficulties in communication, in cognition, and in conation (aspects of mental abilities relating to volition or capacity to act purposefully). Appelbaum and Appelbaum (1994) discuss directly the competency to confess and provide valid *Miranda* waivers, noting

> They [persons with intellectual disabilities] might confess to a crime merely to avoid the discomfort of police interrogation. Friendliness, as well as threats and coercion, can result in waivers and confessions….Moreover, distorted concepts of blameworthiness and causation may lead to false confession (p. 493).

12. Research studies examining the legal capacities of persons with intellectual disability provide further evidence of their diminished capacity in interrogation settings (Fulero & Everington, 2004). Across four studies of *Miranda* comprehension of this population, findings are quite consistent in that persons with intellectual disabilities have significant deficits in their understanding and appreciation of these rights (Cloud, Shepard, Barkoff, & Shur, 2002; Everington & Fulero, 1999; Fulero & Everington, 2004; O'Connell, Garmoe, & Goldstein, 2005). For example, O'Connell et al. (2005) found that 50% of persons with mild disability in the study sample could not correctly paraphrase *any* of the five *Miranda* components (e.g., "you have the right to remain silent") (see also Everington & Fulero, 1999). In comparison, Grisso (1998) reported that less than 1% of adults in the general population scored similarly low.

13. Research has also demonstrated that persons with intellectual disability are significantly more suggestible than persons without this disability (see Everington & Fulero, 1999; O'Connell et al., 2005). Suggestibility is also a known risk factor for false confession in that persons who are suggestible are more prone to false confession.

14. In regard to mental illness, serious mental illness usually refers to three diagnoses: 1) schizo-spectrum and psychotic diagnoses, such as schizophrenia and schizo-affective disorders; 2) bi-polar disorder; and 3) major depression. Persons with these disorders may experience delusions, hallucinations, disorganized speech, and feelings of grandiosity, mania, confusion, and intense depression. There are also 'negative symptoms,' such as flat affect associated with these disorders that can be less apparent to the untrained eye. Davis and O'Donohue (2003) state that persons with schizophrenia and other psychotic disorders are at risk for false confessions because "these individuals often have a variety of beliefs that are not veridical."

15. In research I and my colleagues conducted (Redlich, Summers, & Hoover, 2010), we interviewed about 1,250 offenders with mental illness. We found that offenders who were minorities (most of whom were African American), who had more years of offending, and who were more symptomatic (in their mental

health) were more significantly likely to have falsely admitted to a crime in the past, in comparison to White offenders, those with fewer years of offending, and those who were less symptomatic. It should also be noted, that in general, minorities are overrepresented among proven wrongful convictions (over and above their over-representation in the criminal justice more generally).

16. In other research, my colleagues and I (Redlich, Kulish, & Steadman, 2011) compared interrogations resulting in true versus false confessions among offenders with serious mental illness. We found that 'false confessors' reported feeling significantly more afraid, frightened of the police, and pressured and bullied by the police, compared to 'true confessors.' In addition, false confessors were significantly more likely to believe that they would be allowed to go home after confessing, and reported feeling more confused during police questioning.

17. Most police interrogators do not receive training surrounding mental illness and/or how to question this population. In the Inbau, Reid, et al. (2013) interrogation training manual, the authors recommend proceeding cautiously and offer the below advice:

> A suspect with legitimate mental disabilities generally lacks assertiveness and experiences diminished self-confidence. In many cases he will have a heightened respect for authority and experience inappropriate self-doubt. Each of these traits, *if actually present*, may make the suspect more susceptible to offering a false admission when exposed to active persuasion. On the other hand, such suspects are not skilled or confident liars and will often reveal the truth through the interviewing process. (p. 354; emphasis present in text)

In other words, Inbau, Reid, et al. contend that a false confession from a person with a mental illness will be readily apparent as such. However, there are proven false confession cases that contradict this, such as the case of Eddie Joe Lloyd, a person diagnosed with bipolar disorder who spent 17 years wrongfully imprisoned. Moreover, if the police cannot recognize mental illness, this advice is ineffectual. In Mr. Blackmon's case, the police were aware of his mental illness, as indeed used this knowledge to strategize their questioning of him. The limitations and traits that define mental disorders must be examined in the context of contemporary police interrogation techniques that are designed to "trick" suspects into admitting guilt.

18. Research studies examining the legal capacities of persons with mental illness provide further evidence of their diminished capacity in interrogation settings. For example, Rogers and colleagues (2007) examined Miranda comprehension and concluded: "A basic but crucial finding was that mentally disordered defendants in the current study had widespread difficulties in understanding all but the simplest warnings" (p. 414).

19. In a memo posted on their website, John E. Reid and Associates acknowledge that persons with mental impairments are vulnerable to false confession. In this written memorandum, they state:

> Every interrogator must exercise extreme caution and care when interviewing or interrogating a juvenile or a person who is mentally or psychologically impaired. Certainly these individuals can and do commit very serious crimes. But when a juvenile or person who is mentally or psychologically impaired confesses, the investigator should exercise extreme diligence in establishing the accuracy of such a statement through subsequent corroboration. In these situations it is imperative that interrogators do not reveal details of the crime so that they can use the disclosure of such information by the suspect as verification of the confession's authenticity.

20. Other countries that have had problems with false confessions have instituted special procedures for persons with mental impairments. For example, the United Kingdom enacted the Police and Criminal Evidence Act (PACE), which mandated that psychologically vulnerable suspects (i.e., juveniles and mentally disordered/handicapped persons), may only be interviewed by the police within the presence of an "appropriate adult." The reasoning behind the PACE mandate is that persons at risk "may without knowing or wishing to do so, be particularly prone in certain circumstances to provide information which is unreliable, misleading, or self-incriminating" (Home Office, 1995).

Commonalities in Proven False Confession Cases

In a now seminal article published in the North Carolina Law Review, Professors Steven Drizin and Richard Leo (2004) documented and analyzed 125 *proven* false confessions. These cases highlight many of the commonalities found in compliant false confession cases. I stress that all of these factors are not present in all false confessions cases, and the presence or absence of any one factor cannot definitively prove or disprove an allegation of false confession.

21. False confession cases often involve lengthy interrogations. Typically, interrogations last one to two hours, and Reid personnel state that three to four hours is usually sufficient. In the Drizin and Leo sample, the majority was longer than six hours and the average (for which length of time had been recorded) was 16.3 hours. Inherent in long interrogations are sleep deprivation and prolonged social isolation, factors that influence tolerance levels to withstand the interrogation.

22. In false confession cases, often the situation becomes so unbearable or intolerable, the beleaguered suspect will falsely confess to extract himself from the situation. Many false confessors have stated that believed or were told by interrogators they could go home if they confess. Juveniles and persons with mental impairment are especially likely to believe this will be the case (Redlich & Drizin, 2007).

23. Although legally permissible, the presentation of false evidence ("trickery and deceit") against the suspect is a common thread among false confession cases. For example, Michael Crowe, a proven false confessor, was told that the victim had his hair in her hand. Michael was also told that there was a "good Michael" and a "bad Michael" and that the bad Michael, who the police believed killed his sister, was not allowing the good Michael to remember.

Interrogators are also trained to bluff about the evidence against suspects, assuming that innocent suspects will not be bluffed. However, this assumption is not valid because in some false confession cases, the innocent (and by then beleaguered) suspect incriminates himself because he knows the evidence will eventually prove his innocence. There is also laboratory evidence indicating that the bluff interrogation technique can produce false admissions (Perillo & Kassin, 2011). Unfortunately there have been several wrongful conviction cases in which the confession outweighs all other evidence, even contradictory evidence and DNA exculpatory evidence (see Kassin, 2012).

24. In false confession cases, the information about the crime is fed <u>from</u> the interrogator to the suspect, rather than <u>to</u> the interrogator. Thus, the supposed knowledge about the crime does not come from the suspect being the true perpetrator, but rather from the police officer, media accounts, or other external sources. Similarly, some false confessors were shown crime scene photos or even taken on an outing to the scene of the crime (such as the false confessors in the Central Park Jogger case). Information from these outside sources of evidence is then weaved into the false confession, giving it the appearance of credibility.

25. An examination of false confession statements themselves is quite informative. If the entire interrogation is recorded, it is often possible to determine the source of the information (the suspect, the police, media reports, photos/other forensic evidence). The confession statements (either in the verbatim transcript or in a summarized form) often contain statements that are inconsistent with other statements and inconsistent with the forensic evidence. Finally, because of a lack of true knowledge about the crime, false confession statements often do not include any information that is not already known to the police, and are not generative in that the police do not uncover new evidence from the confession statement.

26. False confessions also have been found to appear credible. Appelby, Hasel, and Kassin (2013) performed a content analysis of 20 proven false confessions. All of them included details about time, location, visual aspects, and references to the victim and his/her behavior. Moreover, 85% included the suspects' own reflections, 80% the suspects' motives, 40% included suspect statements of remorse, and 25% included explicit apologies. Garrett (2010) found similar results with Innocence Project false confessors, in an article published in the *Stanford Law Review*.

27. In false confession cases, there may be no other evidence linking the suspect to the crime except the false confession statement. Similarly, in some of these cases, there is an absence of evidence that is inconsistent with the commission of the crime and/or the confession statements. In the remainder of the cases, in which there appears to credible evidence in addition to the (false) confession, there is scientific support that the confession tainted the production and interpretation of the other evidence (e.g., eyewitness identifications, forensic evidence). More specifically, Kassin, Bogart, and Kerner (2012) found that in the 46 proven wrongful conviction cases that had multiple errors, 65% of the cases had the error of a false confession first. Seventeen cases had both eyewitness misidentifications and false confessions.

28. Many identified false confessions involved high-profile cases, in which there is tremendous pressure to solve the case and to get a confession. The Central Park Jogger and the Eddie Joe Lloyd cases are but two examples. In addition, often the police will stop investigating after a confession is obtained and close the case.

IV. THE PSYCHOLOGY OF GUILTY PLEAS AND FALSE GUILTY PLEAS

Guilty pleas are required to be made knowingly, intelligently, and voluntarily, and with a factual basis of guilt. As I have argued elsewhere (Redlich, 2016), the methods currently used to assess these requirements—judicial colloquies in plea hearings, and written tender-of-plea forms—fall short and are not valid or reliable indicators of whether the plea was knowing, intelligent, voluntary, and/or true. In this section, I describe some of the research that I and others have conducted on (false) guilty pleas. Four general arguments are reviewed: 1) All defendants who plead guilty are not factually guilty; 2) All defendants who plead guilty do not understand the information given to them (even if having the capacity to do so); 3) All defendants who plead guilty do not have sufficient information to make informed plea decisions; and 4) All defendants who plead guilty are not making voluntary decisions.

1) All defendants who plead guilty are not factually guilty

Since the inception of the plea bargaining process in the early-1800s, the possibility of innocents pleading guilty has been recognized (*State v. Kaufman*, 1879). It is beyond dispute that some factually innocent defendants plead guilty. The National Registry of Exonerations has catalogued 419 instances since 1989, which account for about 18% of the exonerations known to date. There are many reasons indicating that the known rate of false guilty pleas is a gross underestimation, however. For one, guilty pleas account for almost

all (95%) convictions in state and federal courts. Second, guilty plea rates are even higher for less serious crimes, and the majority of identified exonerations are for the serious crimes of rape and murder. Third, because plea bargains do generally shorten the time of incarceration or even eliminate it, the motivation to correct the injustice and be set free is not present. And fourth, guilty pleas are very difficult to withdraw and appeal (Weaver, 2001-02), especially post-sentencing, and thus the wrongful conviction may never be recognized and righted. In addition, estimating rates of false guilty pleas using samples of officially exonerated individuals can be misleading. By definition, persons who plead guilty are convicted of crimes, and attempting to assert actual innocence after entering a plea is notoriously difficult. Thus, those who plead falsely may never receive an official determination of legal innocence. Indeed, it is my understanding that the North Carolina Innocence Inquiry Commission requires a higher standard in non-*Alford* guilty plea cases.

Another reason pointing to larger numbers of false guilty pleas than those presently known is the lack of safeguards in the plea process. When a defendant pleads guilty, institutionalized trial safeguards like burden of proof and cross-examination are missing. As Bibas (2004) points out, due to rules of discovery, innocent defendants are especially disadvantaged in not knowing the evidence that exists against them (as in theory there should be no factual evidence). To be sure, in the wrongful conviction cases that went to trial, the safeguards meant to identify the causal factors (e.g., eyewitness misidentification, false confessions) failed. However, in the wrongful conviction cases that culminated in a plea bargain, the causal factors never had the opportunity to undergo scrutiny or challenge. As such, the factors identified as contributing to wrongful convictions by trial are likely to be even more prevalent in wrongful convictions by guilty plea. For example, Alschuler (1986; see also, Alschuler, 2016/17) convincingly argues why the plea bargaining system promotes inadequate representation, or "bad lawyering," one of the leading causes of wrongful convictions (see also Bibas, 2004). In brief, defense attorneys working within the plea bargaining system, most of whom are overburdened, are subject to many temptations and incentives that serve to seek quick solutions and reduce the likelihood of acting in clients' best interests. Exacerbating the problem is that ineffective assistance of counsel is virtually undetectable in the guilty plea system as the system is characterized by secrecy, confidential conferences, and unwritten rules (Alschuler, 1986). Trials create a basis and a record for appeal, whereas pleas are much more secret endeavors. In essence, plea arrangements--which again, account for 95% of convictions--create situations in which the identified contributors of wrongful convictions (e.g., false confessions, governmental misconduct, bad lawyering, etc.) are more likely to be present (than at trials) *and* be present without dispute, scrutiny, or public review.

As Gazal-Ayal (2006) argues it is often the weaker cases in which the prosecutor offers a deal because the state knows or suspects that they cannot prove their case beyond a reasonable doubt at trial (see also Bibas, 2004). Thus, assuming that innocent defendants have weak evidentiary cases, plea bargains may be more readily offered to innocents, and offered with increased incentives.

Regardless of guilt or innocence, there are powerful inducements to plead guilty, particularly when pitted against remaining in jail pretrial and/or risking a conviction with a stiffer sentence at trial. As stated by Bowers (2008), "It is hardly a new observation that guilty pleas may prove attractive to the innocent" (p. 1120). For the most part, pleas are attractive because they do reduce the charges, the time in jail or prison, and potentially other consequences (e.g., registering as a sex offender). It is common knowledge that many defendants plead guilty to get out of jail and receive reduced sentences or probation (Gross et al., 2005). In a study of prosecutorial decisions, detained defendants were more likely to be offered pleas than defendants who had been released. Indeed, the authors viewed detention as a way to encourage or "coerce" pleas (Kellough & Wortley, 2002).

Many scholars posit this choice between remaining in jail awaiting a trial (in which they are likely to be found guilty) and a reduced sentence or probation via a guilty plea is one of coercion (e.g., Langbein, 1992). For persons who are innocent, the choice to plead is arguably even more coercive. Laboratory and interview studies have been conducted comparing guilty and innocent subjects. In an early study, Gregory, Mowen, and Linder (1978) found that when the number of charges was high versus low (four versus one charge) and when the sanctions were high versus low (10-15 versus 1-2 years in prison), both guilty and innocent participants were more likely to plead: 100% for guilty and 33% for innocents (see also Bordens, 1984). In a later study, Russano and her colleagues (2005) varied the use of minimization (lessening the seriousness of the offense) and the use of a deal with subjects who were either guilty or innocent of cheating on a problem-solving task. In the deal condition, guilty and innocent subjects were offered: a) sign the statement to "settle things quickly" and receive research credit for that day, but also agree to return and not receive additional credit, or b) not sign the statement, in which the "supervising professor" would be called with the "strong implication being that the consequences would be worse if the professor became further involved" (p. 483). They found that when subjects were guilty, and when minimization and the deal were used in conjunction, 87% signed the statement. When subjects were innocent, almost half of the subjects (43%) took responsibility when both techniques were used. Using similar methods, Dervan and Edkins (2013) were able to raise the rate of innocents accepting guilty pleas to 61% under certain conditions.

According to Alschuler (2002), prosecutors trying to avoid the cost of a trial will lower the plea discount below the break-even point to "coerce" defendants into pleading guilty. To wit, Bordens and Bassett (1985) interviewed actual defendants who had pleaded guilty about their reasons for accepting plea deals, and found that many reported being pressured by the prosecutor, in the form of threats of increased charges, threats of severe punishment, and reprisals for not accepting the plea offer (see also, Redlich et al. 2017).

In summary, given the extremely high prevalence of guilty pleas in our nation's criminal justice system, there are numerous reasons to indicate that innocent defendants may accept guilt and take the deal being offered to them. By their very nature, pleas occur in secret with little oversight. But by the very fact that courts must verify factual bases of guilt, the courts acknowledge that innocent defendants may plead guilty. Some courts conflate willingness to plead guilty with factual guilt itself, but most courts just rely on the defendant to confirm their own guilt with a one word answer (yes). As stated by Professor Albert Alschuler (2016/2017), who has studied pleas since the late 1960s, our system of pleas is a "nearly perfect one" for convicting innocent defendants.

2) All defendants who plead guilty do not understand the information given to them (even if having the capacity to do so; i.e., competence)

Adjudicative competence, which refers to individual's capacities and not actual understanding, has been said to have a low threshold. Famously, one prosecutor opined that so long as defendants can tell the difference between a grapefruit and the judge, the threshold for competence has been met (Coleman, 2002). Thus, even if we were to assume that most defendants who plead guilty are technically competent to do so (and assuming Blackmon was competent as assessed), a next step question would be: Does the average defendant have the capacity to understand what their judges and lawyers tell them specifically about pleading guilty? That is, for example, is the language used by legal actors comprehensible to defendants? If defendants are asked more than yes/no questions about their understanding, could they demonstrate adequate comprehension?

What is not disputed is that most defendants (68%) did not finish high school, most (66%) have learning disabilities (Wolf Harlow, 2003), and many have mental health problems and cognitive deficits (about one

million offenders). In addition, legal terms are often a foreign language (i.e., 'legalese') to persons not trained in the law. The little available research on judicial plea colloquies does not delve into the exact language used by judges, but presumably there is some proportion of judges who use technical legal terms unrecognizable to most defendants. My student and I (Redlich & Bonventre, 2015) analyzed the reading comprehensibility of tender-of-pleas, the written form of the oral colloquy. We found that, on average, forms for both juvenile and adult defendants required a 11th - 12th grade reading level to fully understand the content. According to the National Adult Literacy Survey (Haigler et al., 1994), most (70%) juvenile and adult inmates read at or below the 6th grade level. Only 4.3% of the forms in their sample of forms could be understood by those who read at a 6th grade level.

In another study, Redlich and Summers (2012) interviewed recent plea-takers, finding a disconnect between claims of knowledge and actual knowledge. When we asked directly about legal understanding, 89% said they understood the plea process, 96% said they understood the possible penalties associated with their plea, and 87% said they understood the legal proceedings. These questions were similar in nature to those asked by judges during plea colloquies. Nevertheless, when their comprehension of plea information was assessed, two-thirds of the sample (people who had just entered valid pleas) failed (i.e., got 60% of more of the questions incorrect). For example, 40% erroneously believed that the prosecutor had to prove their guilt beyond a reasonable doubt and 46% believed that the judge has to accept the plea offer.

Thus, even if defendants can meet the low threshold of competence, the possibility remains that they do not understand nor appreciate the information given to them. As stated by Bibas (2011), "There are two distinct barriers to informed decision-making: first, defendants must have enough information; and second, they must be able to understand, digest, and use that information" (p. 85).

3) All defendants who plead guilty do not have sufficient information to make informed plea decisions

In *Boykin v. Alabama* (1969), the court stated "the 'utmost solicitude of which courts are capable in canvassing the matter with the accused to make sure [the defendant] has a *full* understanding of what the plea connotes and of its consequence" (emphasis added; p. 243-44). However, the word 'full' in this instance is misleading as there are systematic and non-systematic reasons indicating that complete understanding is not required. For one, 'consequence' concerns only direct, and not collateral, consequences (see Roberts, 2009). Although the Supreme Court does not require knowledge of collateral consequences (with a recent exception, *Padilla v. Kentucky*, 2010) as part of a valid plea decision, there are many who believe that defendants should be aware of such consequences, and that this knowledge may lead to a different plea decision.

Additionally, the courts have tended towards limiting the type of information that defendants must have to make valid decisions. For example, in the *U.S. v. Ruiz* decision (2002), a case involving the duty to provide impeachment information (relating to informants) prior to plea decision-making, the Court put forth that defendants need not have complete knowledge when deciding to plead guilty, stating "[T]he Constitution does not require the prosecutor to share all useful information with the defendant" (p. 629). Although the primary issue in *Ruiz* was voluntariness (as opposed to knowing and intelligence), the Court ruled that knowledge of potential exculpatory impeachment information was relevant to the fairness of a trial but not to the voluntariness of plea decisions. Further, as argued by Taslitz (2008) and others, in general, discovery rules are weak, and most defendants are left in the dark as to the evidence the state has when making decisions about pleading guilty.

What information is given to defendants during plea hearings? Although systematic data are generally lacking

on the comprehensiveness and content of judicial colloquies, there are some research studies that shed light. The data available on plea hearings demonstrate that most take place in less than 10 minutes and that during these 10 minutes, the information supplied is highly variable; most defendants, but not all, are asked the basics, i.e., what is minimally required (do they understand the charges, their rights). The specifics of exactly what rights are being waived, for instance, are less likely to be reviewed. Put simply, "the myth of the fully informed rational actor" is one of the biggest and most problematic assumptions made in our justice system (p. 80, Bibas, 2011), especially for plea cases, which again, account for 95% of convictions.

4) All defendants who plead guilty are not making voluntary decisions

Although 'voluntary' may seem like an easy word to comprehend, the legal system has continuously struggled with the concepts of voluntariness and its flip side, coercion. For example, in *United States v. Speed Joyeros, S.A.* (2002), the court stated, "There is no single clear definition of 'voluntary' for all legal purposes. Even in the criminal-law-plea context, it is unclear whether 'voluntary' means freedom from any coercion or whether it means freedom only from 'wrongful' or 'undue' coercion. A pristine rule of 'no coercion' would preclude many plea agreements" (p. 14).

Many view plea deals as inherently coercive, a Hobson's choice (Langbein, 1992; Redlich, 2016). The term "Hobson's choice" reportedly derives from a 16th century English stable owner who would offer potential buyers a choice between the horse closest to the door or no horse at all. In many ways, a plea offer offers this choice of no choice at all. That is, the choice between accepting guilt and the concomitant conviction, or risking one's fate at trial. Very few people are acquitted, though in part this is because so few people actually proceed to trial. Acquittal rates account for 1% of all outcomes and 25% of trial outcomes (Bureau of Justice Statistics, 2010). The sentences associated with trial convictions are also much harsher than plea convictions, leading to phrases such as 'trial penalty' and 'trial tax' (e.g., Ulmer, Eisenstein, & Johnson, 2010).

Arguably, voluntariness is a more subjective concept than knowing and intelligence aspects of plea information. Whereas, in theory, knowing and intelligence can be tested via extended questioning, voluntariness is more akin to a personal feeling of having one's will overborne. Redlich and Summers (2012) found that 96% of defendants who just pled guilty reported being asked if it was their choice to plead guilty, and 93% claimed that it was indeed their voluntary choice. However, nearly one-third of the sample, erroneously believed that someone other than themselves (e.g., the judge or their attorney) made the final plea decision (after the court had accepted their plea). And when asked directly if guilty pleas have to be voluntary, 44% incorrectly said 'no.' Thus, although defendants may perceive the choice to be their own, they do not always know that the choice is theirs to make.

V. JAMES BLACKMON'S CASE

Mr. Blackmon was convicted of the murder of Helena Payton, a crime which occurred in September 1979. Mr. Blackmon was first identified as a suspect in February 1983, was interrogated multiple times in October and November 1983, and was convicted of murder in the 2nd degree, via an Alford plea, in January 1988. Mr. Blackmon maintains that he is innocent and was essentially duped into falsely confessing, and then pleading guilty.

The Crime and the Initial Investigation

Ms. Payton was a student at St. Augustine's College. Early on the morning of September 28, 1979, she was seemingly surprised by a man in her dormitory bathroom who stabbed her. She died about one month after this event from her injuries. This appeared to be a high-profile crime as it seemed to be random and had occurred on a college campus. After initial leads go cold and there seem to be no viable suspects, a Major Crimes task force is formed in 1981.

Soon after the crime, the police interviewed numerous witnesses, some who had seen glimpses of the perpetrator as he was leaving the 6th floor of the dorm (and at least two witnesses who claimed to have gotten a good look at the perpetrator). One witness described the perpetrator as a black male in his late 20's, dark complexion, approximately 6'2", 145-155 lbs., with a small afro, and clean shaven, who wore a burgundy/red dashiki (later found in the nearby woods). Others said that he may have had a (thin) mustache. Based on these witness reports, a composite sketch was made, which was shown on TV and appeared in newspaper articles.

Descriptions of Mr. Blackmon in the materials I reviewed varied in regard to his height and weight. For example, his 12/30/1980 prison ID has his height at 5'8" and his weight at 140lbs. But a report from August 1979 (about 1 month before the crime) had his weight at 165lbs (and that he had a full beard and mustache). In his recent interview with NCIIC attorneys, Mr. Blackmon claimed that he did not shave or get a haircut, though eventually he does recall that Detectives Munday and Holder took him to the barbershop and paid for him to get a haircut and shave in 1983.

In the initial police investigation reports (before Blackmon became a suspect), the police had various theories about the crime, some based on rumors that were circulating. One theory was that Payton, the victim, was at the wrong place and the wrong time, and that she was not the intended victim. On page 116 of the pdf of the reports, the Detective states, "We've been told that the guy was invited up there" and that "The perpetrator was tricked out of his money by Collins and Hussey" (two women living in the dorm). There was an apparent focus on Jackie Kelly, who some purported to have been into drugs and was a prostitute (as well as Collins and Hussey), and who some believed knew the perpetrator. In several of these witness interviews, the Detectives ask the witnesses to speculate about what they think happened. On page 182 of the pdf, Detective Holder states, "I am convinced that the key is with the girls, those three girls, and somebody there knows the person." This is in an interview dated Aug. 5, 1982. Detective Holder also tells Barbara Lee that they have a witness willing to testify that Jackie had told her that she had seen a man coming out of one of the girl's room five minutes before the stabbing (p. 206). He also states, "I am satisfied that the guy was up there to see somebody. He knew somebody up there. There's no real doubt in my mind that he was up there for that reason" (p. 209). This witness, Barbara Lee, also says that the perpetrator did not use the first exit door, which was closest to him but that "he went over that way to that exit door. Most people would have went to the first exit door they see. He must have known that exit door was broke" (p. 209). In an August 17, 1982 interview, the Detective states, "We believe that very strongly" meaning that Ms. Payton was not the intended victim of the stabbing (p. 217; also p. 252—Sept. 2, 1982 interview).

Thus, approximately five to six months before Mr. Blackmon first becomes a suspect, the investigating detectives were apparently convinced that the perpetrator was not a complete stranger, that he had been invited up there by one or more of the three women, and that Ms. Payton was not the intended victim.

Blackmon becomes a Suspect

In a police report dated March 12, 1983, the Detective stated that he receive a tip more than month earlier (on Feb. 2, 1983) from an unidentified source that a black male patient at Dorothea Dix hospital was talking about committing murders, including the one at St. Augustine's, and others in Durham and Wake counties, NC, and two in NY or NJ. The Detective deduced this patient to be James Blackmon based on the description provided by the source. In the materials I received and reviewed, there was very little information about this tip, and thus, about how Blackmon first became a suspect. In the recent interviews of Detectives Holder and Munday, neither could, understandably, remember much about this tip or the informant. In testimony, Detective Holder acknowledged that he never interviewed the source and that the source was another patient at the Dix hospital. Mr. Blackmon was hospitalized at Dorothea Dix hospital for his mental health problems from 1/21/1983 to 9/12/1983, and is readmitted to the hospital from 10/2-10/18/1983.

In the Police Reports-After Blackmon becomes Suspect document, it is clear that the Detectives have Blackmon's mental health records from his inmate file (from 1981). These records state, among other things, that Blackmon was suicidal and homicidal, diagnosed as a paranoid schizophrenic, described as a borderline mental deficient who has an IQ of 74 and a 4th grade education.

This report also notes that Blackmon's prints did not match with those in the Payton case, but that the latent prints found at the scene may or may not have been those of the suspect (p. 9).

From the time this tip is received in February 1983 to September 1983, the Detectives do not appear to interact with Blackmon. They are however keeping tabs on him (e.g., they are aware Blackmon "escaped" from Dix in March 1983) and are continuing to investigate his past crimes and past institutional experiences. The Detectives learn that Blackmon had threatened his former girlfriend with a knife, about the incident at the library, and that he was on the streets in September 1979 (when the crime had occurred). The Detectives also conduct interviews with witnesses, some who claim that Blackmon wore dashikis, others who said he did not (but wore turbans).

On September 26, 1983, the Detective re-interviews Jackie Kelly and conduct a photo line-up with her. This is 4 years after the crime had occurred. Kelly does not make a positive ID of anyone, including Blackmon. According to the Detective's notes, Kelly "immediately pulled Blackmon's photo and laid it to the side" and had said that "Blackmon's appearance looked good but he appeared heavier… than what she remembered the suspect being" (p. 98).

On October 26, 1983, the Detectives are interviewing Blackmon and trick him into handling a towel "for the purpose of obtaining a scent article" (p. 101) from him.

I also note here the description of Blackmon's arraignment on December 8, 1983, which appeared at the end of the Police Reports—After Blackmon becomes Suspect document. Blackmon is quoted as saying, "I ain't never killed nobody in my life. I ain't even ever seen that girl before. My spirit killed her. I didn't do it." There is also claims that Blackmon told a jail nurse on 12/7/83 that his spiritual self killed the girl and that he was going to kill the judge if the judge gives him time.

Interrogations of Blackmon

Mr. Blackmon was interviewed by Detectives Munday and Holder on multiple occasions; it is not clear if all interactions were audio-recorded. In fact, the visits to St. Augustine's College were not recorded. By

Blackmon's and the Detectives' accounts, these were friendly encounters that were not excessively long. Indeed, it was clear that Mr. Blackmon believed the Detectives to be his friends.

October 25, 1983 Interrogation Part 1

The first utterance from Detective Holder is to tell Blackmon that he is a very interesting man, and soon thereafter to make it clear that "we're friends," to which Blackmon responds. "Yeah, we're real good friends." During this exchange, Blackmon makes it clear that he is not well-educated and that he went to a reform school.

The Detectives use flattery with Blackmon, ask him for his opinion, and say "we need some help" (p. 24) and that they are having "a pretty difficult time" finding out who was killing young black women in Raleigh. This is reminiscent of another proven false confession case, that of Eddie Joe Lloyd, also an adult with serious mental illness who the police told needed his help "to smoke out" the perpetrator. On p. 16 of Blackmon's Interviews with Police 10.25.83 to 12.7.83, the Detective states, "You're a very intelligent man, even though you only have a second grade education."

On pg. 27, the Detectives ask Blackmon if he knows where St. Augustine's is, to which Blackmon says, "No, I never have been there before." On pg. 29, they ask him if it's possible that his body was in one of the St. Augustine's dorms but not his mind. It is not clear whether Blackmon agrees to this possibility but from that point forward, the Detectives take it for granted that he does. The Detectives then ask, "What do you think your body did? You said you felt like you had been to St. Aug before in body, but your mind was some other place… What do you think your body might have done in that dorm?" And, "When your body, James, went to the dorms, and your mind was some other place but your body was there, how would you dress?" (p. 30). The Detectives then ask Blackmon to speculate on what he would have done had he gone to the dorm. Blackmon responds by saying that he would sit around and drink coffee and talk to the women. And again the Detective asks him to speculate and imagine on pg. 30 ("what would you do?"), and again on pg. 32 "Put your body on the time that were over at St. Aug University in the dorms." After engaging in speculation and going off topic in a rambling tangent (p. 33), Blackmon abruptly says "I don't feel like talking no more" and the interview ends.

Blackmon is also asked about ever wearing a red dashiki to which he says no.

October 25, 1983 Interrogation Part 2

The interview recommences and almost immediately, the theme of "your body has been over there before but your mind hasn't" begins again. Pg. 36, Blackmon is asked "how are these girls being killed, James? Does your mind tell how these girls are being now?" Blackmon responds by saying some are choked, some are cut, and some are shot. The Detectives follow up on the "getting cut" only, though Blackmon raises the gun again (as well as saying cut with a knife).

The Detectives continue to ask him if his mind "sees" anything, and when Blackmon does not respond with the answer they hope for, the Detectives ask the questions again until Blackmon changes his response. In continuing down this path of speculation, Blackmon gets many details wrong; e.g., he says he sees a light-skinned girl, real pretty with long hair, who is not fat (which does not fit the description or pictures I viewed of Payton). Blackmon says "he" (the other James) choked the woman or gave her drugs, and then says "I can't see no more" (p. 37).

October 25, 1983 Crime Scene Visit to St. Augustine's

This crime scene tour is not audio-recorded but rather is described and embedded in the transcript as summarized notes by Detective Holder. According to these notes, Blackmon makes several spontaneous, incriminating statements, such as "That's the girl's dorm… I have been there before." In the 10/26/83 interview, the Detective's ask him to confirm saying this (which he does) and then tell him he is smart.

October 26, 1983 Interrogation Part 1

The interview begins asking about Blackmon's memory and the McDonald's that they bought him. It quickly goes back to the speculation and his "spiritual body" being at St. Augustine's. Each time Blackmon is asked to speculate about what he is doing, his answer has nothing to do with the crime that occurred there. His answers reflect that girls fall in love with him.

Blackmon then asks, "Hey, do you think that my spirit body can go somewhere and do somebody some wrong or hurt somebody?" This opens the door for the Detectives and they tell Blackmon that "something happened. Something you had no control over" (p. 46) and that "somebody got hurt" (p. 47). Blackmon states it was a girl and that she was crying and hollering. But when Detectives ask him, "what did your body do?" Blackmon responds, "My body made love to her and I talked to her in a voice" (speaks about 8 seconds in foreign tongue or mumbo-jumbo)" and that the girl is fine, doing better (p. 48). The Detectives keep pressing Blackmon for more details but he cannot provide any.

October 26, 1983 Crime Scene Visit #2 to St. Augustine's

On pg. 50, the transcript breaks again for Investigative Notes. According to these notes, Blackmon again makes incriminating statements and actions, such as stopping at the victim's room and stating that he had been there before. Blackmon is described as looking like he was avoiding going into the bathroom area, but also stating in the bathroom, "This is where it happened" and "This is what I did" (p. 51). Blackmon was also alleged to have said that he went into the woods but that there were "bad spirits" in there.

October 26, 1983 Interrogation Part 2

After returning from the second crime scene visit, the Detectives introduce the "other James Blackmon." The Detectives proceed to tell him things he allegedly said during the visit to Latham Hall, to which Blackmon simply responds, "Mm-hmm" each time. Blackmon claims he made love to the girl in the bathroom stall; to my knowledge, there was no evidence of sex with Payton. Blackmon keeps with his stories of how the girl(s) love him and did not want him to leave, saying she would call the police if he left. Blackmon provides answers that make little sense and seem to highlight his mental health issues.

The Detectives ask Blackmon if he left anything behind in the woods, to which he replies, "pieces of sticks and things that I may mark on the ground, where I might make the square and put a G in the middle, breaking leaves and keep it only or put it in my teeth and walk and pray."

After a break, Blackmon is shown a picture of a dashiki (or the actual dashiki itself). Blackmon responds "That's pretty. I'd like to have something like that" and when asked specifically if he has ever seen it before, he says never in his life. Then the Detectives ask if the other James Blackmon had a dashiki like this and he says "Yes." This is another example of the Detectives suggesting something to Blackmon, him first denying it,

and then adopting it when asked again. They repeatedly ask Blackmon what happened to the dashiki or what he did with it, but he gives nonsensical answers.

The knife is then brought up; Blackmon states "But I never had a knife like that." The Detectives invoke the other James Blackmon and Blackmon quickly says he did have a knife like that but that he did not do nothing to her when they were making love. Blackmon then claims that he buried the knife.

On pg. 59, Blackmon says he either cut her in the woods or in that building, and that the cut is on her throat, or that "he" (the other James Blackmon) choked her to death with the knife around her neck.

Later, when asked if 'this' James Blackmon kill anyone else, he responds "Many a peoples" (p. 71).

Pg. 74, the Detectives confirm with Blackmon that he is telling the truth, to which he responds, "Hey I never killed nobody in my life."

October 27, 1983 Interrogation

As with the first interrogation, this one begins with the Detectives reaffirming their friendship with Blackmon. During this interrogation, Blackmon says that he cannot spell his own name and that he keeps forgetting to take his medication. On pg. 81, he says that he has not taken his medication (Prolixin) in the last two days.

In the month of November 1983, Blackmon has various interactions with the Detectives. In several of these interactions, the Detectives ask Blackmon if he knows who they are and what they do for a living.
November 2, 1983--Blackmon calls the Detectives to take him to the hospital.
November 9, 1983--Blackmon takes the bus down to the police station. They mostly discuss buying a doll for Blackmon's wife/girlfriend. There is also an indication that Blackmon bought or brought candy to the prosecutor.
November 10, 1983--Blackmon comes to the station again. He wears a jogging suit because "you told me to wear it, you know, so I decided it would please you."
November 15-16, 18, 1983—Blackmon calls about getting a ride to Lumberton to visit his family.

November 28, 1983—Blackmon calls the Detectives asking to pick him up from Lumberton and take him back to the hospital. He claimed to have been doing drugs, and hearing and seeing things. Blackmon states, "Hey I never killed nobody in my life, man" (p. 97). The Detectives bring up the bad/other James again, and Blackmon quickly capitulates.
Later, the Detectives ask him how he got to St. Augustine's. Blackmon says he does not remember and that "I can't talk about it. I don't know" (p. 105).
On pg. 110, Blackmon was asked why he killed her. He responds that she was doing him wrong, by having sex and trying to make him jealous. He also says that God told him to take her out of this world, and that she had the knife which he made her give it to him.
Blackmon also asks to stop talking, though they continue, and then he asks again to stop.

December 7, 1983—The Detectives pick Blackmon up from Dix hospital. Blackmon again says that he never killed anyone. At the end of the interview, Blackmon is arrested.

Blackmon's *Alford* Plea

Mr. Blackmon pleads guilty to 2nd degree Murder in January 1988, more than four years after he is arrested. This was an Alford plea. According to his recent interview with NCIIC, Blackmon claims that he refused to plead guilty four or five times before finally giving in. He also claimed that he was messed up on medication at the time of the plea and was like a "zombie," and that he was told to plead guilty by his attorney (with little discussion about the plea). The Alford plea and resistance to taking a plea are consistent with actual innocence.

Blackmon's attorney had tried to suppress his statements but was not successful. During this time from December 1983 to January 1988, Blackmon was also assessed for competence to stand trial and was found competent.

The transcript of the Alford plea appears on pg. 67 of the Court File Documents. For question 10a, "Are you in fact guilty? "will not answer" is written, presumably because this was an Alford plea. It is also written that Blackmon's education was completing the 2nd grade.

I also add here that Dr. Rollins, inappropriately in my opinion, stated that "everyone (society and Mr. Blackmon) will best be served if you can arrange for him to accept a plea to as long a sentence as possible" and that "Mr. Blackmon is more comfortable in a correctional setting."

My Assessment

There are many factors in this case that are consistent with proven false confession cases. The most incriminating statements allegedly provided by Blackmon, however, were supposedly made during the unrecorded crime scene visits.

1. *Presence of Dispositional Risk Factors.* James Blackmon has a well-documented histories of psychiatric illness (since the age of 10), intellectual deficits, and limited education. Although there are competing opinions about the extent of Blackmon's mental health problems, my experience in researching persons with serious mental illness for more than 15 years leads me to concur with Dr. Scarborough's opinions. Specifically, in my experience, persons without serious mental illness do not spend time, and especially significant amounts of time, in inpatient mental health institutions, nor are they prescribed psychotropic medications (and certainly not for 35-40 years). To my understanding, around the time of the interrogations and to present day, Mr. Blackmon has received intensive mental health treatment and psychotropic medication (such as Haldol, Lithium). Dr. Scarborough's diagnostic impressions were Schizophrenia, paranoid type, and mixed personality disorder with antisocial and borderline traits. Although Dr. Rollins altered his intial opinions to conclude that Blackmon did not suffer from a serious mental illness, Dr. Rollins maintained that Blackmon "may be vulnerable to pleasing others who offer him support."

   Mr. Blackmon also appears to be have stopped school early in life, either at the 2nd grade or perhaps up to the 5th grade. Mr. Blackmon was put in a special reform school. DPS Educational Records dated, 5/7/97 have him in a "program .. designed for inmates who tested below the sixth grade reading achievement level." Earlier prison records (1/22/1981) state that Blackmon "appears to function at a borderline mental deficiency" and that he "may be manipulated by others." According to Dr. Scarborough's report, Mr. Blackmon's overall IQ score was 69, which meets the criteria for mild mental retardation, though the prison reports has his IQ at 74 (which is still quite low).

As noted, Mental Illness and Intellectual Disability, each on its own, have been identified and highlighted as vulnerability factors to false confession. Given that Mr. Blackmon has both risk factors, the potential for false confession only increases. The deficits in attention, executive functioning, intellect, and disorganized thought processes influence the likelihood of false confession, and the abilities to tolerate psychologically oriented interrogation tactics and consider long-term consequences. In my expert opinion, Mr. Blackmon's mental health and intellectual issues made him quite susceptible to the "befriending" tactics that are readily apparent in the taped interrogations (and confirmed by Munday and Holder in recent interviews). His issues also made him very susceptible to adopting the "good" vs. "bad" James and "body but not mind" themes. There were also indications that Blackmon had not been taking his medication for at least two days prior, which further compounded his ability to tolerate the interrogation and the techniques applied. His medical records from Dorothea Dix hospital confirm that in September and October of 1983, Blackmon had been refusing to take his medications. Dr. Scarborough opined that Blackmon's answers during the police interviews were "highly indicative of overt psychotic thinking… with clear delusions, erratic and bizarre behaviors, and severely impaired judgment." Rather than exercising caution as recommended by John Reid and Associates, Detectives Holder and Munday capitalized on and strategized around Blackmon's mental health issues. My understanding is that Detective Holder acknowledged that he obtained and studied Blackmon's mental health history precisely for this purpose.

2. *Presence of situational risk factors.* As mentioned, Kassin and Gudjonsson (2004) describe three phases of interrogation: isolation, confrontation, and minimization. In this case, Mr. Blackmon was isolated (in that he was questioned without others [non-police] present), confronted with his guilt, and then Detectives attempted to minimize his culpability, primarily through the good-bad (or other) James and the 'body present but not mind' themes. The former theme was prominent in at least one other proven false confession case (Michael Crowe, a 14-year-old). In my opinion, these themes created a great deal of confusion for Blackmon. Although he often attempts to assert his innocence or lack of guilty knowledge (such as not having been to the college or dorm before, not having owned a dashiki, never having killed anyone), the Detectives would raise the possibility that the other James did these actions (e.g., the stabbing), and Blackmon would readily accept these interrogator-devised scenarios.

   The Detectives also asked Blackmon to engage in a lot of speculation about how the crime may have occurred, how he got into or left the building, etc. In my expert opinion, these requests to speculate and imagine are dangerous when used with innocent suspects in that they can lead to false confessions. When used with innocent suspects who are susceptible to suggestion and easily confused, the risk increases.

   Detectives Munday and Holder also did their best to downplay the adversarial nature of the interrogation—this is evident in the transcribed interrogations as well as their recent interview statements ("We did everything we could to befriend him," p. 84). It was made clear that they were all friends there, a theme which was used to often begin the interrogation sessions. There are times that it is clear that Blackmon wants to help them out and please them. Dr. Rollins testified that Blackmon "could be easily influenced, suggestible, respond to offers of help" (testimony from Appendix III of State's Appellate Brief document) and that "he would be more vulnerable than the average person to suggestion" and even that he would go as far as to admit to a murder (Defendant's appellate brief document).

3. *The confession statement does not contain any information new to the police and does not lead to any new evidence.* The statements made by Mr. Blackmon are mere reiterations of the interviewing Detective's statements. As far as I could tell, all of the verifiable facts were already known to Holder and Munday. Thus, rather than the information coming *from* Blackmon, the information was given *to* Blackmon from the Detectives and external sources. Although 35 years has passed, Blackmon claimed that "everything

they [the Detectives] said out of their mouth, I repeat it" (p. 70, NCIIC Interview with Blackmon). He also stated, "I didn't know nothing until they told me, and then I went along with every word that they say."

It is also important to note that the showing photos and/or visits to crime scenes taint any subsequent statements made by suspects. Mr. Blackmon was taken on two visits to the crime scene (though 4 years later) and appeared to have been shown photos (of the dashiki and perhaps the knife). Detective Munday acknowledged that it was rare to take a suspect to the crime scene, and that the only time he can remember doing that was with Mr. Blackmon. He also acknowledged that the crime scene visit was probably not tape recorded as it would have been transcribed if it had. Detective Holder admitted to using the tape recorder in the field. He specifically states that he would have recorded the visit to Latham Hall, but oddly only summarized notes survived. Thus, there is evidence of fact contamination in Blackmon's statements. In his recent interview with NCIIC attorneys, Blackmon claims that the Detectives told him the perpetrator had used the bottom door in the dorm and that the crime had occurred in the bathroom.

4. *The confession statements have several inconsistencies with the actual evidence*. As pointed out above, there are several times Mr. Blackmon's statements do not match with the evidence. This includes the basic facts, such as description of the victim (long hair, not fat), how the victim was killed (mentions choking, a gun, as well as a knife), and that they had sex in the bathroom.

5. *Sole focus on one suspect leading to potential for tunnel vision*. The police came to suspect Blackmon based on one anonymous source, who was also institutionalized as a patient at Dorothea Dix hospital. Detective Holder admitted to never having interviewed this source himself, but rather relied on Lt. Lockey's interview. This was a high profile crime that had gone cold. It is possible the police believed they finally had 'their man.' In turn, this belief in Mr. Blackmon's guilt could have led to tunnel vision (or confirmation bias, described above) and a false confession.

VI. OVERALL SUMMARY

The science behind police interrogation and confessions has grown tremendously since the early 1980s. When Mr. Blackmon was interrogated in 1983, false confessions were little understood. Today, wrongful conviction experts, police interrogation authorities (e.g., John Reid and Associates), and scientific and legal scholars, agree that persons with mental illness and low intellect are at risk for false confession. Confession evidence like other forms of evidence should be corroborated. There is little to corroborate Mr. Blackmon's statements, unless you consider the unrecorded investigative summary notes during the crime scene visits. Mr. Blackmon's case also has many classic elements known to occur in false confession cases. Specifically:

- Mr. Blackmon has not one, but two known risk factors to false confession: mental illness and intellectual disability
- Mr. Blackmon's statements were contaminated by being taken to the scene of the crime (two times) and being shown pictures
- Mr. Blackmon's statements contain many inconsistencies with known facts surrounding the crime
- Mr. Blackmon's admission statements do not provide new information unbeknownst to the police
- Mr. Blackmon's statements do not lead to new evidence

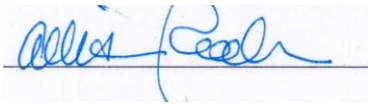
I will conclude by repeating the quote from John E. Reid and Associates,

> Every interrogator must exercise extreme caution and care when interviewing or interrogating a juvenile or a person who is mentally or psychologically impaired. Certainly these individuals can and do commit very serious crimes. But when a juvenile or person who is mentally or psychologically impaired confesses, the investigator should exercise extreme diligence in establishing the accuracy of such a statement through subsequent corroboration. In these situations it is imperative that interrogators do not reveal details of the crime so that they can use the disclosure of such information by the suspect as verification of the confession's authenticity.

In James Blackmon's case, the police did not exercise caution. I am aware of no attempts to verify the accuracy of his statements.

Finally, I understand that a report by Dr. Landis will be provided to me when it is available. I reserve the right to add to my opinions expressed here, after having reviewed that report or any other materials that may be provided in the future. If you have any questions or need any clarification about anything written in this report, please do not hesitate to contact me.

Sincerely,



Allison D. Redlich, Ph.D.

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Taslitz, A. E. (2008). Prosecutorial preconditions to plea negotiations: “Voluntary” waivers of constitutional rights. *Criminal Justice, 23*, 14-26.

Ulmer, J. T., Eisenstein, J., & Johnson, B. D. (2010). Trial penalties in federal sentencing: Extra-guidelines factors and district variation. *Justice Quarterly, 27*, 560-592.

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Weaver, K. D. (2001-2002). A change of heart or a change of law? Withdrawing a guilty plea under federal rule of criminal procedure 32(e). *Journal of Criminal Law and Criminology, 92*, 273-306.

Wolf Harlow, C. (2003).Educational and correctional populations. Washington, DC: Office of Justice Programs, Bureau of Justice Statistics. Available at: http://www.bjs.gov/content/pub/ascii/ecp.txt

APPENDIX A: CV OF ALLISON D. REDLICH

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George Mason University	Email: aredlich@gmu.edu
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Fairfax, VA 22030	Fax: 703-993-8316

PROFESSIONAL POSITIONS

2015 – present	Professor, Department of Criminology, Law and Society, George Mason University, Fairfax, VA
2012 – 2015	Chair, Board of Directors/Executive Director, Michael J. Hindelang Criminal Justice Research Center, State University of New York, University at Albany, Albany, NY
2008 – 2015	Assistant-Associate Professor, School of Criminal Justice, State University of New York, University at Albany, Albany, NY
2002 – 2008	Senior Research Associate I-II, Policy Research Associates, Delmar, NY
2001 – 2002	Research Scientist, Stanford University School of Medicine, Department of Psychiatry and Behavioral Sciences, Stanford, CA
1999 – 2001	The California Wellness Foundation Postdoctoral Fellow, Stanford University School of Medicine, Department of Psychiatry and Behavioral Sciences, Stanford, CA
Summer 1998	Research Assistant, California Youth Authority, Sacramento, CA
1992 – 1994	Research Assistant, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, MD

EDUCATION

1999 – 2001	Postdoctoral training, Psychiatry and Juvenile Justice Stanford University School of Medicine
1999	Doctor of Philosophy, Developmental Psychology University of California, Davis
1996	Masters of Arts, Developmental Psychology University of California, Davis
1992	Bachelor of Arts, Psychology The Pennsylvania State University

GRANTS

2017—2027 Department of Homeland Security, Center for Investigative Network Analysis Center of Excellence (CINA)
Theme Leader, Criminal Investigative Processes ($3.85 million; Year 1) [PI: Anthony Stefanidis]

2017—2019 National Science Foundation, "Police Investigator Decision-Making in High-Profile Cases"
Co-Principal Investigator ($158,012) [PI: Skye Woestehoff]

2017—2018 Charles Koch Foundation, "The Influence of Discovery on True and False Guilty Pleas"
Principal Investigator ($85,000; Year 1)

2015 – 2018 National Science Foundation, "Collaborative Research: Understanding Youth Engagement in the Plea Process: Predictors and Consequences"
Principal Investigator ($395,000 total) [PI at UC Irvine: Jodi A. Quas]

2015 – 2017 National Science Foundation, "Elephants in the Courtroom: Examining Overlooked Issues in Wrongful Convictions" Workshop grant
Principal Investigator ($49,807) [Co-PIs: James Acker, Catherine Bonventre & Robert Norris]

2014 – 2017 Brain and Behavior Research Foundation Independent Investigator Award, "The Influence of Mental Illness Severity and Treatment on Criminal Justice Success: The Mediating Role of Mental Health Courts"
Principal Investigator ($99,371)

2014 – 2017 National Science Foundation, "Research Coordination Network (RCN): Understanding Guilty Pleas"
Co-Principal Investigator ($298,675) [PI: Shawn Bushway]

2012 – 2013 Federal Bureau of Investigation, High-Value Detainee Interrogation Group (HIG), "The Dynamic Process of Interrogation" [Subcontract from UT, El Paso, PI: Christian A. Meissner]
Co-Principal Investigator ($153,000) [PI: Christopher Kelly]

2011 – 2012 Federal Bureau of Investigation, High-Value Detainee Interrogation Group (HIG), "Surveying the International Interrogation Community" [Subcontract from UT, El Paso, PI: Christian A. Meissner]
Principal Investigator ($160,025)

2010 – 2013 National Science Foundation, "Creating and Transferring Knowledge on Guilty Pleas"
Principal Investigator ($175,000)

2010 – 2013 National Institute of Justice, "Bargaining in the Shadow of Trial: Exploring the Reach of Evidence Outside the Jury Box"
Principal Investigator ($511,283) [Co-PI: Shawn Bushway]

2010 – 2011 Federal Bureau of Investigation, High-Value Detainee Interrogation Group (HIG), "Surveying the U.S. Interrogation Community" [Subcontract from UT, El Paso, PI: Christian A. Meissner]

Principal Investigator ($199,999)

2009 – 2010 Campbell Crime and Justice Group, Campbell Collaboration, "A Systematic Review of the Research on the Effectiveness of Interview and Interrogation Methods on Investigative Outcomes"
Co-Principal Investigator ($49,375) [PI: Christian A. Meissner]

2008 – 2009 John D. & Catherine T. MacArthur Foundation, Network on Mandated Community Treatment "Understanding and perceptions of the plea process among non-mentally ill offenders"
Principal Investigator ($38,596)

2007-2009 NARSAD Young Investigator Award, "False Confessions among Persons with Serious Mental Illness"
Principal Investigator ($56,348)

2007-2009 City-County of San Francisco, CA "Mental Health Courts: Level of Supervision and Predictors of Outcome: 12-month interviews"
Co-Principal Investigator ($64,340) [PI: Henry J. Steadman]

2005-2008 National Science Foundation, "Mental Health Court Comprehension: Predictors and Influence on Treatment Compliance and Receipt of Sanctions"
Principal Investigator ($199,991) [Co-PI: Henry J. Steadman]

2005-2009 John D. & Catherine T. MacArthur Foundation, Network on Mandated Community Treatment "Mental Health Courts: Level of Supervision and Predictors of Outcome."
Co-Principal Investigator ($2,092,887) [PI: Henry J. Steadman]

HONORS AND AWARDS

2018 American Psychological Association Mid-Career Award for Outstanding Contributions to Benefit Children, Youth, and Families
2016 University of Nevada, Reno Interdisciplinary Graduate Student Association speaker
2015 School of Criminal Justice, University at Albany Graduate Student Mentor Award
2014 Ranked 22nd most productive scholar in Criminology and Criminal Justice, 2009-2013 [2nd highest-ranked female] (Walters, 2014)
2013 The Research Foundation for the State University of New York Faculty Travel Award ($1500)
2012 Ranked 3rd (of 125) in Academic Productivity among Assistant Professors in Criminology and Criminal Justice (Copes, Khey, & Tewksbury, 2012)
2012 Career, Leadership and University Excellence (CLUE) Fellow; University at Albany
2010 Box highlight in 3rd edition of textbook, *Introduction to Forensic Psychology*, Sage Publishers (A. Bartol and C. Bartol)
2009 Invited to be Visiting Professor at Ritsumeikan University, Kyoto, Japan
2009 University at Albany, Faculty Research Award Program—B ($3,689)
1999-2001 The California Wellness Foundation Academic Postdoctoral Fellow, Stanford University
1999 Pro Femina Research Travel Award, Consortium for Women, UC Davis
1998 The Society for the Psychological Study of Social Issues Grants-in-Aid Award ($2,000)
1996 American Psychology-Law Society Grant-in-Aid Award ($500)
1995-1999 University of California, Graduate Studies Fellowship

PUBLICATIONS

(*Denotes student/post-doctorate under my supervision)

Books/Monographs/Special Journal Issues

Acker, J., & **Redlich**, A. D. (under contract; expected Spring 2019). *Wrongful convictions: Law, social science, and policy* (2nd edition). Durham, NC: Carolina Academic Press.

Edkins, V. & **Redlich**, A.D. (under contract; expected Fall 2018) (Eds.). *A system of pleas: Social science's contribution to the real legal system*. New York, NY: Oxford University Press.

Wilford, M.S., & **Redlich**, A.D. (May, 2018). (Guest editors). Special issue on guilty pleas. *Psychology, Public Policy, and Law*.

Walsh, D., Oxburgh, G., **Redlich**, A., D., & Myklebust, T. (2016). (Eds.). *International developments and practices in investigative interviewing and interrogation, Volume I: Victims and witnesses*. Abingdon, England: Routledge Press.

Walsh, D., Oxburgh, G., **Redlich**, A., D., & Myklebust, T. (2016). (Eds.). *International developments and practices in investigative interviewing and interrogation, Volume II: Suspected Offenders*. Abingdon, England: Routledge Press.

Redlich, A. D., Acker, J., *Norris, R. J., & *Bonventre, C. (2014). (Eds). *Examining wrongful convictions: Stepping back, moving forward*. Durham, NC: Carolina Academic Press.

Acker, J., & **Redlich**, A. D. (2011). *Wrongful convictions: Law, social science, and policy*. Durham, NC: Carolina Academic Press.

Redlich, A. D. & Petrila, J. (2009). (Eds.). The age of innocence: Miscarriages of justice in the 21st century. *Behavioral Sciences and the Law, 27(3)*, 297-488.

Quas, J.A., Goodman, G. S., Ghetti, S., Alexander, K., Edelstein, R., **Redlich**, A. D., Cordon, I., & Jones, D.P. (2005). Childhood sexual assault victims: Long-term outcomes after testifying in criminal court. *Society for Research in Child Development Monographs, 70*. Serial No. 280.

Journal Articles

In Press and 2018

*Miller, J., **Redlich**, A.D., & Kelly, C. (in press). Accusatorial and information-gathering interview and interrogation methods: A multi-country comparison. *Psychology, Crime, and Law*.

Han, W., & **Redlich**, A.D. (2018). Racial/ethnic disparities in behavioral health service usage in mental health courts. *Criminal Justice and Behavior, 45*, 173-194.

Redlich, A.D., Yan, S., Norris, R.J., & Bushway, S.D. (2018). The influence of confessions on guilty pleas and plea discounts. *Psychology, Public Policy, and Law, 24*, 147-157. doi: 10.1037/law0000144.

Wilford, M., & **Redlich**, A.D. (2018). Deciphering the guilty plea: Where research can inform policy. (Introduction to edited special issue). *Psychology, Public Policy, and Law, 24*, 145-147. doi: 10.1037/law0000169.

Kassin, S.M., **Redlich**, A.D., Alceste, F., & Luke, T. (2018). On the "general acceptance" of confessions research: Opinions of the scientific community. *American Psychologist, 73*, 63-80.

2017

Redlich, A.D., Wilford, M., & Bushway, S.D. (2017). Understanding guilty pleas through the lens of social science. *Psychology, Public Policy, and the Law, 23*, 458-471. [Invited article in special Issue to mark APA's 125th anniversary]

Redlich, A.D., Bibas, S., Edkins, V., & Madon, S. (2017). The psychology of defendant plea decision-making. *American Psychologist, 72*, 339-352.

Norris, R., Bonventre, C., **Redlich**, A.D., Acker, J., & Lowe, C. (2017). Preventing wrongful convictions: An analysis of state investigation reforms. *Criminal Justice Policy Review*. DOI: 10.1177/0887403416687359.

2016

Redlich, A. D. & *Shteynberg, R. (2016). To plead or not to plead: A comparison of juvenile and adult true and false plea decisions. *Law and Human Behavior.*

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*Han, W. & **Redlich**, A. D. (2016). Examining the impact of community treatment on recidivism in mental health courts. *Psychiatric Services, 67*, 384-390. http://dx.doi.org/10.1176/appi.ps.201500006

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Kelly, C. E., Abdel-Salam, S., *Miller, J. C., & **Redlich**, A. D. (2015). Social identity and the perceived effectiveness of interrogation methods. *Investigative Interviewing: Research and Practice*, II, 24-41.

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Meissner, C. A., **Redlich**, A. D., Michael, S. W., Evans, J. R., Camilletti, C. R., Bhatt, S., & Brandon, S. (2014). Accusatorial and information-gathering interrogation methods and their effects on true and false confessions: A meta-analytic review. *Journal of Experimental Criminology, 10*, 459-486.

*****Norris, R., & **Redlich,** A. D. (2014). Seeking justice, compromising truth? Criminal admissions and the Prisoner's Dilemma. *Albany Law Review, 77*, 101-134.

2013

Redlich, A. D. & *Han, W. (2013). Examining the links between therapeutic jurisprudence and mental health court completion. *Law and Human Behavior, 38*, 109-118.

*Kelly, C., *Miller, J., **Redlich**, A. D., & Kleinman, S. (2013). A taxonomy of interrogation methods. *Psychology, Public Policy, and Law, 19*, 165-178.

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Bushway, S., & **Redlich**, A. D. (2012). Is plea bargaining in the "shadow of the trial" a mirage? *Journal of Quantitative Criminology, 28*, 437-454.

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*Norris, R., *Bonventre, C., **Redlich**, A. D., & Acker, J. (2011). Than that one innocent suffer: Evaluating state safeguards against wrongful convictions. *Albany Law Review, 44*, 1301-1364.

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Kassin, S. M., Drizin, S., Grisso, T., Gudjonsson, G., Leo, R. A., & **Redlich**, A. D. (2010). APLS-Approved White Paper, Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior, 34*, 3-38.

Kassin, S. M., Drizin, S., Grisso, T., Gudjonsson, G., Leo, R. A., & **Redlich**, A. D. (2010). White paper and commentaries: Looking ahead. *Law and Human Behavior, 34*, 49-52.

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Karnik, N.S., Soller, M.V., **Redlich**. A. D., Silverman, M.*, Kraemer, H.C., Haapanen, R., & Steiner, H. (2010). Prevalence differences of psychiatric disorders among youth after nine months or more of incarceration by race/ethnicity and age. *Journal of the Health Care for the Poor and Underserved, 21*, 237-250.

2009

Redlich, A. D. & Ozdogru, A. A.* (2009). Alford pleas in the age of innocence. *Behavioral Sciences and the Law, 27*, 467-488.

Karnik, N. S., Soller, M. V., **Redlich**, A. D, Silverman, M.*, Kraemer, H. C., Haapanen, R., & Steiner, H. (2009). Prevalence of and gender differences in psychiatric disorders among juvenile delinquents incarcerated for nine months. *Psychiatric Services, 60*, 838-841.

2008

Redlich, A. D., Quas, J. A., & Ghetti, S. (2008). Perceptions of children during a police interview: Guilt, confessions, and interview fairness. *Psychology, Crime, and Law, 14*, 201-223.

Petrila, J. & **Redlich**, A. D. (2008). Options for diverting persons with mental illness from the criminal justice system. *Court Review, 43*, 164-173.

Redlich, A. D., Ghetti, S., & Quas, J. A. (2008). Perceptions of children during a police interview: A comparison of suspects and alleged victims. *Journal of Applied Social Psychology, 38*, 705-735.

2007

Redlich, A. D. (2007). Military vs. police interrogations: Similarities and differences. *Peace and Conflict, 13*, 423-428.

Redlich, A. D. (2007). Double jeopardy in the interrogation room: Young age and mental illness. *American Psychologist, 62*, 609-611.

Busch, A. B. & **Redlich**, A. D. (2007). Patients' perception of possible child custody or visitation loss for non-adherence to psychiatric treatment. *Psychiatric Services, 58*, 999-1002.

2006

Ghetti, S., Edelstein, R., Goodman, G. S., Cordon, I. M., Quas, J. A., Alexander, K. W., **Redlich**, A. D., & Jones, D. P. (2006). What can subjective forgetting tell us about memory for childhood trauma? *Memory and Cognition, 34*, 1011-1025.

Redlich, A. D., & Monahan, J. (2006). General pressures to adherence to psychiatric treatment in the community. *International Journal of Forensic Mental Health, 5*, 125-131.

Steadman, H.J., & **Redlich**, A.D. (2006). Perceived coercion in everyday life: A concept to inform research on the legal issues of coerced treatment. *International Journal of Forensic Mental Health, 5*, 167-171.

Van Dorn, R.A., Mustillo, S., **Redlich**, A. D., Elbogen, E., Swanson, J., & Swartz, M. (2006). The relationship between mandated treatment and perceived barriers to care in persons with mental illness: Is there a role for social support? *International Journal of Law and Psychiatry, 29*, 495-506.

Redlich, A. D., Steadman, H. J., Monahan, J., Robbins, P. C., & Petrila, J. (2006). Patterns of practice in mental health courts: A national survey. *Law and Human Behavior, 30*, 347-362.

Goodman, G. S, Myers, J., Qin, J., Quas, J. A., Castelli, P.*, **Redlich**, A. D., & Rogers, L. (2006). Children's out-of-court statements: Effects of truthful and deceptive hearsay on jurors' decisions. *Law and Human Behavior, 30*, 363-401.

Redlich, A. D., Steadman, H. J., Robbins, P. C., & Swanson, J. (2006). Use of the criminal justice system to leverage mental health treatment: Effects on treatment adherence and satisfaction. *Journal of the American Academy of Psychiatry and the Law, 34*, 292-299.

Appelbaum, P., & **Redlich**, A.D. (2006). Impact of decisional capacity on the use of leverage to encourage treatment adherence. *Community Mental Health Journal, 42*, 121- 130.

Appelbaum, P., & **Redlich**, A.D. (2006). Use of leverage over patients' money to promote adherence of psychiatric treatment. *Journal of Nervous and Mental Disease, 194*, 294-302.

2005

Redlich, A. D. (2005). Voluntary, but knowing and intelligent? Comprehension in mental health courts. *Psychology, Public Policy, and Law, 11*, 605-619.

Redlich, A. D., Steadman, H. J., Monahan, J., Petrila, J., & Griffin, P. (2005). The second generation of mental health courts. *Psychology, Public Policy, and Law, 11*, 527-538.

Edelstein, R. S., Ghetti, S., Quas, J. A., Goodman, G. S., Alexander, K. W., **Redlich**, A. D., & Cordon, I. M. (2005). Individual differences in emotional memory: Adult attachment and long-term memory for child sexual abuse. *Personality and Social Psychology Bulletin, 31*, 1537-1548.
Reprinted in D. C. Funder & D. J. Ozer (Eds., 5th ed.), *Pieces of the personality puzzle: Readings in theory and research* (pp. 298-310). New York, NY: Norton & Co.

Steadman, H. J., **Redlich**, A. D., Griffin, P., Petrila, J., & Monahan, J. (2005). From referral to disposition: Case processing in seven mental health courts. *Behavioral Sciences and the Law, 23*, 1-12.

Monahan, J., **Redlich**, A. D., Swanson, J., Robbins, P. C., Appelbaum, P. S., Petrila, J., Steadman, H. J., Swartz, M., Angell, B., & McNiel, D. (2005). Use of leverage to improve adherence to psychiatric treatment in the community. *Psychiatric Services, 56*, 37-44.

Alexander, K., W., Quas, J. A., Goodman, G.S., Ghetti, S., Edelstein, R. S., **Redlich**, A. D., Cordon, I. M., & Jones, D. P. H. (2005). Traumatic impact predicts long-term memory for documented child sexual abuse. *Psychological Science, 16*, 33-40. (Translated into Japanese for the *Japanese Journal of Child Abuse and Neglect*).

≤ 2004

Redlich, A. D. (2004). Mental illness, police interrogations, and the potential for false confession. *Psychiatric Services, 55*, 19-21.

Plattner, B.*, Silverman, M.A.*, **Redlich**, A., Carrion, V.G., Feucht, M., Friedrich, M.H., & Steiner, H. (2003). Pathways to dissociation: Intrafamilial and extrafamilial trauma in juvenile delinquents. *The Journal of Nervous and Mental Disease, 191*, 781-788.

Redlich, A. D., Silverman, M.*, & Steiner, H. (2003). Factors affecting preadjudicative and adjudicative competence in juveniles and young adults. *Behavioral Sciences and the Law, 21*, 1-17.

Redlich, A. D., & Goodman, G. S. (2003). Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and Human Behavior, 27*, 141-156.

Goodman, G. S., Ghetti, S., Quas, J. A., Edelstein, R., Alexander, K., **Redlich**, A.D., Cordon, I., & Jones, D. P. (2003). A prospective study of memory for child sexual abuse: New findings relevant to the repressed-memory controversy. *Psychological Science, 14*, 113-118.

Miller, S. P.*, **Redlich**, A. D., & Steiner, H. (2003). The stress response in anorexia nervosa. *Child Psychiatry and Human Development, 33*, 295-306.

Redlich, A. D., Goodman, G. S., Myers, J. E. B., & Qin, J. (2002). A comparison of two forms of hearsay testimony in child sexual abuse cases. *Child Maltreatment, 7*, 312-328.

Ghetti, S., & **Redlich**, A. D. (2001). Reactions to youth crime: Perceptions of accountability and competency. *Behavioral Sciences and the Law, 19*, 33-52.

Redlich, A. D. (2001). Community notification: Perceptions of its effectiveness in preventing child sexual abuse. *Journal of Child Sexual Abuse, 10*, 91-116.

Quas, J. A., Goodman, G. S., Ghetti, S., & **Redlich**, A. D. (2000). Questioning the child witness: What can we conclude from the research thus far? *Trauma, Abuse, and Violence, 1*, 223-249.

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Goodman, G. S., Quas, J. A., & **Redlich**, A. D. (1998). The ethics of conducting "false memory" studies with children: A reply to Hermann and Yoder. *Applied Cognitive Psychology, 12*, 207-217.

Goodman, G. S., Bottoms, B. L., **Redlich**, A., Shaver, P. R., & Beety, K. (1998). Correlates of multiple forms of victimization in religion-related child abuse cases. *Journal of Aggression, Maltreatment, and Trauma, 2*, 273-295.

Sternberg, K. J., Lamb, M. E., Hershkowitz, I., Esplin, P. W., **Redlich**, A., & Sunshine, N. (1996). The relationship between investigative utterance types and the informativeness of child witnesses. *Journal of Applied Developmental Psychology, 17*, 439-451.

Book Chapters

Redlich, A.D., Zottoli, T., & Daftary-Kapur, T. (forthcoming). Pleading guilty when young: Circumstances, Knowingness, and rationales of juvenile plea decisions. In V. Edkins and A.D. Redlich (Eds.), *A system of pleas: Social science's contributions to the real legal system.* New York, NY: Oxford University Press.

Yan, S., Bushway, S., & **Redlich**, A. D. (2017). Discretion in the absence of guidelines: Charge bargaining and sentencing for felony defendants in New York. In J. Ulmer & M. Bradley (Eds.), *Punishment decisions: Locations of disparity – Volume 2 in the ASC Division on Corrections & Sentencing Handbook Series*.

Redlich, A. D. (2016). The validity of pleading guilty. In M. K. Miller and B. Bornstein (Eds.), *Advances in psychology and law* (pp. 1-27). Cham, Switzerland: Springer International Publishing.

*Shteynberg, R. & **Redlich**, A. D. (2015). Policing juvenile delinquency. In M. D. Krohn and J. Lane (Eds.), *Wiley handbook of juvenile delinquency and juvenile justice*. Malden, MA: Wiley-Blackwell Publishers.

Redlich, A. D., Acker, J. R., *Norris, R. J., & *Bonventre, C. L. (2014). Wrongful convictions: Reflections on moving forward. In A. D. Redlich, J. R. Acker, R. J. Norris, & C. L. Bonventre (Eds.), *Examining wrongful convictions: Stepping back, moving forward* (pp. 337-349). Durham, NC: Carolina Academic Press.

Acker, J. R., **Redlich**, A. D., *Norris, R. J., & *Bonventre, C. L. (2014). Stepping back--moving beyond immediate causes: Criminal justice and wrongful convictions in social context. In A. D. Redlich, J. R. Acker, R. J. Norris, & C. L. Bonventre (Eds.), *Examining wrongful convictions: Stepping back, moving forward* (pp. 3-15). Durham, NC: Carolina Academic Press.

*Liu, S. & **Redlich**, A. D. (2014). Jails and courts: Intercept 3. In P. Griffin, K. Heilbrun, E. Mulvey, D. DeMatteo, & C. Schubert (Eds.), *The sequential intercept model and criminal justice: Promoting community alternatives for individuals with serious mental illness*. Oxford University Press.

Redlich, A. D. (2013). The past, present, and future of mental health courts. In R. Weiner & E. Brank (Eds.), *Special problem solving courts: Social science and legal perspectives* (pp. 147-161). New York: Springer Press.

*Norris, R., & **Redlich**, A. D. (2011). At-risk populations under investigation and at trial. In B. Cutler (Ed.), *Conviction of the innocent: Lessons from psychological research* (pp. 13-32). Washington, DC: APA Press.

Redlich, A. D. & Cusack, K. (2010). Mental health treatment in criminal justice settings. In B. L. Levin, K. D. Hennessey, & J. Petrila (Eds.), *Mental health services: A public health perspective* (3rd ed) (pp. 421-440). New York: Oxford University Press.

Redlich, A. D. (2010). False confessions and false guilty pleas: Similarities and differences. In G.D. Lassiter & C. Meissner (Eds.), *Interrogations and confessions: Current research, practice and policy* (pp. 49-66). Washington, DC: APA Books.

Costanzo, M. & **Redlich**, A. (2010). Use of physical and psychological force in criminal and military interrogations. In J. Knuttsson & J. Kuhns (Eds.), *Policing around the world: Police use of force* (pp. 43-51). Praeger Security International.

Redlich, A. D. & Meissner, C. A. (2009). Techniques and controversies on the interrogation of suspects: The artful practice versus the scientific study. In J. Skeem, K. Douglas, & S. Lilienfeld (Eds.), *Psychological science in the courtroom: Controversies and consensus* (pp. 124-148). New York: Guilford Publications, Inc. [Translated into Chinese for Southwest Law and Political University]

Redlich, A. D., & Kassin, S. M. (2009). Suggestibility and false confessions among juveniles. In B. L. Bottoms, C. J. Najdowski, & G. S. Goodman (Eds.), *Children as victims, witnesses, and offenders: Psychological science and the law* (pp. 275-294). New York: Guilford Press.

Redlich, A. D., & Drizin, S. (2007). Police interrogation of youth. In C. L. Kessler & L. Kraus (Eds.), *The mental health needs of young offenders: Forging paths toward reintegration and rehabilitation* (pp. 61-78). Cambridge, England: Cambridge University Press.

Redlich, A. D., *Silverman, M., *Chen, J., & Steiner, H. (2004). The police interrogation of children and adolescents. In G. D. Lassiter (Ed.), *Interrogations, confessions, and entrapment* (pp. 107-126). Kluwer Academic/Plenum Press.

Alexander, K., **Redlich**, A. D., Christian, P. & Goodman, G. S. (2003). Interviewing children. In M. Peterson & M. Durfee, & (Eds.), *Child abuse and neglect: Guidelines for the identification, assessment, and case management* (pp. 17-19). Volcano, CA: Volcano Press, Inc.

Steiner, H., & **Redlich**, A.D. (2002). Child psychiatry and the juvenile court. In M. Lewis (Ed.), *Child and adolescent psychiatry: A comprehensive textbook* (pp. 1417-1425) (3rd ed.). Baltimore, MD: Lippincott, Williams, & Wilkins, Inc.

Edelstein, R., Goodman, G. S., Ghetti, S., Alexander, K., Quas, J. A., **Redlich**, A. D., Schaaf, J. M., & Cordon, I. (2002). Child witnesses' experiences post-court. In H. Westcott, G. Davies, & R. Bull (Eds.), *Children's testimony in context* (pp. 261-277). New York: Wiley.

Goodman, G. S., **Redlich**, A. D., Qin, J., Ghetti, S., Tyda, K. S., & Schaaf, J. (1998). Evaluating eyewitness testimony in adults and children. In I. B. Weiner & A. K. Hess (Eds.), *Handbook of forensic psychology* (pp. 218-272). New York: Wiley & Sons.

Goodman, G. S., Bottoms, B. L., **Redlich**, A., Shaver, P. R., & Beety, K. (1998). Correlates of multiple forms of victimization in religion-related child abuse cases. In B. B. Robbie-Rossman & M. S. Rosenberg (Eds.), *Multiple victimization of children: Conceptual, developmental, research, and treatment issues* (pp. 273-295). New York: Haworth Press.

Qin, J., Quas, J. A., **Redlich**, A., & Goodman, G. S. (1997). Children's autobiographical memory and eyewitness testimony. In N. Cowan (Ed.), *The development of memory in childhood* (pp. 301-341). London: UCL Press.

Other Published Writings

Redlich, A.D., Acker, J., Bonventre, C., & Norris, R. (accepted for publication). Elephants in the courtroom: Examining overlooked issues in wrongful convictions. A NSF-NIJ Workshop. *National Institute of Justice Journal.*

Kamorowski, J., Cucolo, H.E., & **Redlich**, A.D. (February 2017). International Megan's Law: It's not about what works, it's about what sells. *Common Ground column, APLS Newsletter*, 7-12.

Redlich, A. D. (2014). False confessions on trial. *International Society of Barristers Quarterly*, 21-42.

*Shifton, J., *Norris, R., & **Redlich**, A. D. (2014). False and coerced confessions (updated). *Oxford Bibliographies Online*. New York: Oxford University Press.

*Kelly, C., **Redlich**, A. D., Evans, J., & Meissner, C. (2013). Meta-analysis of the interview and interrogation literature. In G. Bruinsma & D. Weisburd (Ed.), *Encyclopedia of Criminology and Criminal Justice*. New York, NY: Springer Press.

Meissner, C., **Redlich**, A. D., Bhatt, S., & Brandon, S. (2012). *Interview and interrogation methods and their effects on true and false confessions.* Final report to the Campbell Collaboration. Available at http://campbellcollaboration.org/lib/download/2249/

Redlich, A. D. (2011). Evidence-based graduate education for criminology and criminal justice students: The University at Albany experience. *Academy of Experimental Criminology Newsletter*.

Redlich, A. D. (2010). Invited commentary on *Army Field Manual 2-22.3 Interrogation Methods: A Science-based review*. Authored by Brandon, S. E., Bhatt, S., Justice, B. P., & Kleinman. S. M. Washington, DC: National Defense Intelligence College Press.

*Norris, R., & **Redlich**, A. D. (2010). False and coerced confessions. *Oxford Bibliographies Online*. New York: Oxford University Press.

Redlich, A. D. (2007). Sentencing diversion programs. In B. Cutler (Ed.), *Encyclopedia of Psychology and Law*. Thousand Oaks, CA: Sage Press.

Redlich, A. D. (Summer 2007). False guilty pleas. *American Psychology-Law Society Newsletter, 27*, 6-7, 31.

MANUSCRIPTS SUBMITTED AND IN PROGRESS

Zottoli, T., Daftary-Kapur, T., Edkins, V., Redlich, A.D., King, C., Dervan, L. & Tahan, E. (submitted). *State of the states: A survey of procedural and administrative law pertaining to guilty pleas across the United States*.

Kelly, C.J., Russano, M., Miller, J., & Redlich, A.D. (revise and resubmit). *On the road (to confession): Engaging suspects with minimization.*

Scherr, K., Redlich, A.D., & Kassin, S.M. (in progress). *Cumulative disadvantage: The compounding effect of innocents' decision-making from interrogations to the courtroom*.

Alceste, F., Luke, T., Redlich, A.D., & Kassin, S.M. (in progress). *Research on confessions and interrogations: A comparison of expert and lay opinions.*

RESEARCH CITED IN AMICUS AND LEGAL BRIEFS

Redlich and Goodman (2003)

*U.S. Supreme Court Cases

- *Roper v. Simmons*: constitutionality of death penalty for juveniles aged 16 and 17 years
  - American Psychological Association
- *Graham v. State of Florida* and *Sullivan v. State of Florida*: constitutionality of life without parole for juveniles who did not commit murder
  - Equal Justice Initiative [Bryan Stevenson]
  - Disability Rights Legal Center
- *USA v. Khadr*, U.S. Supreme Court case on Military Jurisdiction of Minors
  - Juvenile Law Center [Marsha Levick]
- *JDB v. State of North Carolina*: U. S. Supreme Court case on Miranda waivers, age, and custody
  - Center for the Wrongful Conviction of Youth et al.
- *Miller v. Alabama and Jackson v. Hobbs*, U.S. Supreme Court case on abolishing life without parole for juveniles
  - Juvenile Law Center et al.
- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction

    - Arnold and Porter (Salamon, Blatt, & Franze)
    - American Psychological Association

*State Court and U.S. Court of Appeals Cases

- *California v. A.T.*: California Court of Appeals, 2nd District, on *Miranda* waiver and interrogation of a 13-year-old
    - Center for the Wrongful Conviction of Youth
- *New York v. Thomas*: New York State Court of Appeals case on the necessity of expert testimony in possible false confession cases
    - American Psychological Association
- *Michigan v. Kowalski*: Michigan Supreme Court case on the necessity of expert testimony in possible false confession cases
    - American Psychological Association
- *Wisconsin v. Jerrell C. J.:* Wisconsin Supreme Court case on Voluntariness of Juvenile Confession
    - Children and Family Justice Center
- *A Minor v. State of Arkansas*, Arkansas Supreme Court case on valid Miranda waiver and confession
    - Center on Wrongful Conviction of Youth
- *Damien Wayne Echols v. State of Arkansas*, Arkansas Supreme Court case, appeal of wrongful conviction and death sentence based on new evidence
    - Center on Wrongful Conviction of Youth, National Association of Criminal Defense Lawyers
- *Phillipos vs. United States of America*: Expert testimony in false confession cases
    - American Psychological Association

Redlich, Silverman, Chen, & Steiner (2004; chapter in Lassiter book)

- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction
    - Arnold and Porter (Salamon, Blatt, & Franze)

Redlich (2007)

- *Illinois v. Juan A. Rivera*: Illinois Court of Appeals, 2nd Judicial District case on general acceptance of false confession research and need for expert testimony
    - American Psychological Association
- *Douglas Warney v. New York.*: New York Court of Appeals, 4th Department case on false confessions from vulnerable suspects and whether they contributed to their wrongful conviction
    - American Psychological Association
- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction
    - Arnold and Porter (Salamon, Blatt, & Franze)

Redlich and Ozdogru (2009)

- *James Berry v. Robert E. Ercole* United States Court of Appeals, Second Circuit; habeas corpus petition based on ineffective assistance of counsel and advice to plea
    - Legal brief authored by Brian Sheppard, Esq.

Redlich (2010) [chapter in APA book]

- *Commonwealth of Pennsylvania v. Anthony Wright*: Pennsylvania Supreme Court case on post-conviction access to DNA testing with confession evidence present
    - American Psychological Association
- *Illinois v. Juan A. Rivera*: Illinois Court of Appeals, 2nd Judicial District case on general acceptance of

false confession research and need for expert testimony
    - American Psychological Association
- *Douglas Warney v. New York.*: New York Court of Appeals, 4th Department case on false confessions from vulnerable suspects and whether they contributed to their wrongful conviction
    - American Psychological Association
- *John David Floyd v. Burl Cain*: Louisiana State Supreme Court case on the relationship between confession voluntariness and guilt
    - American Psychological Association
- *Newton v. Indiana*: U.S. Supreme Court case on threat of death penalty in plea negotiations
    - Juvenile Law Center

Redlich, Summers, and Hoover (2010)

- *New York v. Thomas*: New York State Court of Appeals case on the necessity of expert testimony in possible false confession cases
    - American Psychological Association
- *Michigan v. Kowalski*: Michigan Supreme Court case on the necessity of expert testimony in possible false confession cases
    - American Psychological Association
- *Illinois v. Juan A. Rivera*: Illinois Court of Appeals, 2nd Judicial District case on general acceptance of false confession research and need for expert testimony
    - American Psychological Association
- *Douglas Warney v. New York.*: New York Court of Appeals, 4th Department case on false confessions from vulnerable suspects and whether they contributed to their wrongful conviction
    - American Psychological Association
- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction
    - Becker, Drizin, Nirider, et al. [Petitioner's attorneys]

Redlich (2010) [Rutgers Law Review]

- *JDB v. State of North Carolina*: U. S. Supreme Court case on *Miranda* waivers, age, and custody
    - Center for the Wrongful Conviction of Youth et al.
- *California v. A.T.*: California Court of Appeals, 2nd District, on *Miranda* waiver and interrogation of a 13-year-old
    - Center for the Wrongful Conviction of Youth
- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction
    - Arnold and Porter (Salamon, Blatt, & Franze)

Redlich & Shteynberg (2016)

- *Newton v. Indiana*: U.S. Supreme Court case on threat of death penalty in plea negotiations
    - Juvenile Law Center

Kassin et al. (2010) [APLS-sponsored white paper on confessions and interrogations]

- *Michigan v. Kowalski*: Michigan Supreme Court case on the necessity of expert testimony in possible false confession cases
    - American Psychological Association
- *New York v. Thomas*: New York State Court of Appeals case on the necessity of expert testimony in possible false confession cases

    - American Psychological Association
- *Phillipos vs. United States of America*: Expert testimony in false confession cases
    - American Psychological Association
- *Douglas Warney v. New York.*: New York Court of Appeals, 4th Department case on false confessions from vulnerable suspects and whether they contributed to their wrongful conviction
    American Psychological Association
- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction
    - Current and Former Prosecutors [Arnold & Porter]
    - Professors of Criminal Law, Criminal Procedure, and Constitutional Law [Garrett & Craig]
    - American Psychological Association
    - The Innocence Network
    - Becker, Drizin, Nirider, et al. [Petitioner's attorneys]

Kassin, Redlich, Alcester, & Luke (2018)

- *Dassey v. Dittman*: Petition for a Writ of Certiorari in juvenile false confession/wrongful conviction
    - American Psychological Association

INVITED ADDRESSES AND CONFERENCES

Redlich, A.D. (2018, July). Plenary speaker at Indiana State Bar Association Legal Education Conclave, *Bridging the gaps: Connecting with communities and their leaders to improve understanding and access to justice.* Indianapolis, IN.

Redlich, A.D. (2018, June). *False guilty pleas 101*. Invited speaker at *False confessions, false guilty pleas, and wrongful convictions: A multi-disciplinary symposium* at the Institute of Law, Psychiatry, and Public Policy, University of Virginia, Charlottesville, VA.

Redlich, A. D. (2017, November). Invited panel participant at the *Innocence Project's Impact After 25 years: Law, Policy, and the Courts*. Benjamin Cardozo School of Law, New York, NY.

Redlich, A. D. (2017, May). Invited participant at *Neighborhood Criminal Justice Roundtable* (small group conference), University of Virginia Law School, Charlottesville, VA.

Redlich, A. D. (2017, April). *The validity of pleading guilty*. Invited talk to the Department of Criminal Justice, Indiana University, Bloomington, IN.

Redlich, A. D. (2017, March). *The validity of pleading guilty*. Invited talk to the Department of Psychology, Florida International University, Miami, FL.

Redlich, A.D. (2017, January). Competence to confess. In L. Johnston (Chair), *Competence Revisited: The Changing Role of Mental Capacity in Criminal and Immigration Proceedings*. Paper presented at the Association of American Law Schools, San Francisco, CA. (Invited speaker for Section on Law and Mental Disability)

Redlich, A.D. (2016, September). *Adolescence and the validity of guilty pleas*. Community Psychology series. University of Virginia, Charlottesville, VA.

Redlich, A.D. (2016, September). *The validity of pleading guilty*. Wendy and Mark Stavish Endowed Chair Psychology-Law Speaker Series. Iowa State University, Ames, IA.

Redlich, A. D. (2016, May). *What is our role during the plea process: Decision-making and the validity of guilty pleas.* Invited plenary at the Public Defender Retreat, Las Vegas, NV.

Redlich, A. D. (2016, May). *False confessions on trial*. Invited plenary at the Public Defender Retreat, Las Vegas, NV.

Redlich, A. D. (2016, April). *Guilty plea decision-making among juveniles and adults.* Invited presentation to the Graduate Student Interdisciplinary Club, University of Nevada, Reno.

Redlich, A, D. (2015, September). *The interrogation of vulnerable persons*. Training for the Office of the Chief Public Defenders Office, Connecticut.

Redlich, A.D. (2015, April). *Questioning juveniles in the interrogation room and courtroom.* New York State Defenders Association meeting, Rochester, NY.

Redlich, A. D. (2014, November). *Stages of adolescence and the decision to plead guilty.* Institute of Behavioral Science, University of Colorado, Boulder.

Redlich, A. D. (2014, July). *The good, the bad, and the ugly of mental health courts*. Invited plenary presentation to the 3rd annual Intermountain Mental Health Court Conference, Utah State University, Logan, UT.

Redlich, A. D. (2014, March). *The validity of guilty pleas*. Invited colloquium speaker, Center for Law and Human Behavior, University of Texas, El Paso, El Paso, TX.

Redlich, A. D. (2014, March). *False confessions on trial*. Invited plenary presentation to the International Society of Barristers, Maui, HI.

Redlich, A. D. (2014, January). Invited participant at *Criminal Justice Colloquium* (small group conference), Southern Methodist University Law School, Dallas, TX.

Redlich, A. D. (2014, January). Invited speaker on *Scenes of a Crime* panel. New York State Bar Association, New York, NY.

Kelly, C., Redlich, A. D., & Miller, J. C. (2013, October). *The dynamic process of interrogation*. Invited presentation at the 3rd annual Intelligence Interviewing, HIG Research Symposium, Washington, DC.

Redlich, A. D. (2013, August). *False and coerced confessions*. Invited speaker at the Administrative Office of the U.S. Courts, Office of Defender Services Training Branch conference. Buffalo, NY.

Redlich, A. D. (2013, July). *Interrogating in the shadow of trial: Confessions to convictions*. Invited plenary speaker at the New York State Defenders Association meeting, Saratoga Springs, NY.

Redlich, A. D. (2012, December). *Torture and false confessions: Improving China's interrogation methods*. Invited speaker, US-Asia Law Institute (NYU School of Law) symposium: Xi'an and Chengdu, China.

Redlich, A. D. (2012, November). *False confessions: Intersecting science, ethics, and the law*. Invited speaker at the Temple Law Review and the Pennsylvania Innocence Project symposium, Philadelphia, PA.

Redlich, A. D. (2012, October). *Juveniles and false confessions*. Invited speaker at the annual Criminal Justice Educators Association of New York State (CJEANYS) meeting, Poughkeepsie, NY.

Redlich, A. D. (2012, October). Empirical studies of problem solving courts. Invited speaker at *The Bruce J. Winick Fall 2012 Colloquium: Standards in problem solving courts.* University of Miami Law School, Miami, FL.

Redlich, A. D. (2012, June). *The who, what, and why of selecting interview and interrogation techniques.* Invited presentation to Hebrew University, Institute of Criminology, Jerusalem, Israel.

Redlich, A. D. (2012, June). *Am I right or wrong? Waiving rights and pleading guilty*. Invited presentation to Hebrew University, Institute of Criminology, Jerusalem, Israel.

Redlich, A. D. (2012, June). Global perspectives on interrogation and intelligence gathering. Invited presentation as a plenary speaker at the John Jay College of Criminal Justice, *International Conference: Global Perspectives on Justice, Security, and Human Rights*. New York, NY.

Redlich, A. D. (2012, February). HIG Committee. Small-group meeting, Washington DC.

Redlich, A. D. (2012, January). The risk of wrongful convictions among youth. Invited presentation to the Cardozo Journal of Law and Gender Symposium, *Stealing innocence: Juvenile legal issues and The Innocence Project*. New York, NY.

Redlich, A. D., Kelly, C., & Miller, J. (2011, August). *A systematic survey of the interrogation and intelligence community.* HIG Research Symposium, Intelligence Interviewing. Washington, DC.

Redlich, A. D. (2011, May). Professor Barry Feld book-in-progress workshop conference. University of Minnesota Law School, Minneapolis, MN. (Invited member of small group).

Redlich, A. D. (2011, March). *Creating a common interrogator language*. Invited presentation to the High-Value Detainee Interrogation Group. Washington, DC.

Redlich, A. D. (2011, February). *Policy summit on the future of criminal justice reform in America.* Sponsored by the Laura and John Arnold Foundation. Houston, TX. (Invited member of small group conference).

Redlich, A. D. (2010, November). *Adolescence, innocence, and pleading guilty: Beyond adjudicative competence.* Invited presentation to the Department of Psychology, University of California, Davis.

Redlich, A. D. (2010, November). *True lies, false confessions*. Invited presentation to the Albany Law School Amnesty International chapter. Albany, NY.

Steadman, H. J., Redlich, A. D., Callahan, L., & Robbins, P. C. (2010, October). *The MacArthur mental health court study*. Invited presentation to the MacArthur Foundation Research Network on Community Mandated Treatment, Tucson, AZ.

Redlich, A. D. (2010, June). *The risk of false confessions among individuals with mental illness*. Invited presentation at the Public Defender Service Forensic Conference, Washington, DC.

Redlich, A. D. (2010, April). False confessions, false guilty pleas: The susceptibility of juveniles and best interests. Invited presentation at Rutgers Law Review symposium, *Righting the wronged: Causes, effects, prevention, and remedies of juvenile wrongful convictions*. Newark, NJ.

Meissner, C., Redlich, A. D., Bhatt, S., & Brandon, S. (2010, March). *A systematic review of the effectiveness of interviewing and interrogation techniques on investigative outcomes*. National Police Improvement Agency, London, England.

Redlich, A. D. (2010, January). Mental health courts: yesterday, today, and tomorrow. Invited presentation at *Special problem-solving courts: Social science and legal perspectives*. University of Nebraska-Lincoln Law and Psychology Visiting Scholar Program, Program of Excellence, Lincoln, NE.

Redlich, A. D. (2009, October). *Juveniles and false confessions*. Annual Summit of the National Juvenile Defender Center, Denver, CO.

Redlich, A. D. (2009, October). *Decision-making and defenses in mental health court.* Annual Summit of the National Juvenile Defender Center, Denver, CO.

Redlich, A. D. (2009, September). *HUMINT: Integration of science and practice conference*. Sierra Vista, AZ. Sponsored by the Defense Intelligence Agency, U.S. Department of Defense. (Invited member of small group conference).

Redlich, A. D. (2009, February). *Working Strategy Roundtable: Center for Wrongful Convictions of Youth*. Northwestern School of Law, Chicago, IL.

Redlich, A. D. (2009, February). *What is a mental health court?* Invited presentation to the Albany chapter of the New York State Mental Health Counselors Association, Sage Colleges, NY.

Redlich, A. D. (2009, January). *Does MHC understanding predict MHC success?* Invited presentation to the MacArthur Foundation Research Network on Community Mandated Treatment, Santa Monica, CA.

Steadman, H. J., Redlich, A. D., Callahan, L., & Robbins, P. (2009, January). *The MacArthur mental health court study*. Invited presentation to the MacArthur Foundation Research Network on Community Mandated Treatment, Santa Monica, CA.

Redlich, A. D. (2008, November). *False confessions*. Invited address to the Major Crime Conference of the Royal Canadian Mounted Police, Halifax, Canada.

Redlich, A. D. (2008, October). *Improving outcomes for people with mental illnesses in mental health courts: A research guide for policymakers*. The Council of State Governments, Justice Center, Washington, DC. (Invited member of Expert Panel).

Redlich, A. D. (2008, July). *Mental health courts: Alternatives to incarceration.* Invited address to the U.S. Sentencing Commission Conference, Washington, DC.

Redlich, A. D. (2008, April). *The impact of mental illness on competence to confess*. Invited address to Sage Colleges-sponsored conference on Death Penalty, Mental Illness, & Actual Innocence, Albany, NY.

Redlich, A. D. (2007, September). *False confessions in interrogations and plea arrangements.* Invited address at Interrogations and Confessions: Conference sponsored by the APA Science Directorate (Chairs: G.D. Lassiter & C. Meissner). El Paso, TX.

Redlich, A. D. (2007, July). *Understanding and appreciation among mental health court participants*. Invited presentation to the MacArthur Foundation Research Network on Community Mandated Treatment, Baltimore, MD.

Redlich, A. D. (2006, November). *Psychologists for Social Responsibility Seminar for Psychologists and Military Interrogators*. Washington, DC (Invited member of small group conference.)

Redlich, A. D. (2006, October). *The second generation of mental health courts*. Invited address to the Conference on Mental Illness and the Courts. St. Francis College, Brooklyn, NY.

Redlich, A. D. (2005, June). *Mental health courts*. Invited address to the New York State Office of Mental Health-sponsored conference on Mandated Community Treatment. Albany, NY.

Redlich, A. D. (2005, June), *The National Summit on Mental Health Courts*. Racine, WI: Wingspread Foundation Conference Center. (Invited member of small group conference.)

Redlich, A. D. (2005, March). *Psychology and law research.* Invited address to Women and Justice Career Day Program. Russell Sage College, Albany, NY.

Redlich, A. D. (2004, July). *The totality of the circumstances in juvenile interrogations: Weighing the factors*. Invited presentation to the New York State Defense Attorney Association, Saratoga Springs, NY.

Redlich, A. D. (2002, June). *The police interrogation of juveniles*. Invited address to the Southwest Region of Juvenile Public Defenders, American Bar Association, Houston, TX.

Redlich, A.D. (2001, July). *The pre-adjudication of juveniles: Developmental differences in responses to interrogation.* Invited presentation to the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, Boston, MA.

CONFERENCE PRESENTATIONS [2014-present; pre-2014 available upon request]

Dezember, A., Woestehoff, S., Manley, M., & Redlich, A.D. (2018, March). Alford pleas and the presumption of strong evidence. In M. Wilford (Chair), *A system of pleas*. Paper presented at the American Psychology-Law Society, Memphis, TN.

Woestehoff, S., Cathcart, E., Dezember, A., Marquina, A., Quas, J.A., & Redlich, A.D. (2018, March). Defendants' engagement in juvenile and criminal plea hearings. In S. Woestehoff (Chair), *Juveniles and guilty pleas*. Paper presented at the American Psychology-Law Society, Memphis, TN.

Redlich, A.D. (2017, November). Developing a strategy for expanding wrongful conviction research. In A. Moore (Chair), *In their own words: The human aspect of wrongful conviction*. Invited presentation in

NIJ-sponsored panel. Paper presented at the American Society of Criminology conference, Philadelphia, PA.

Redlich, A.D., Woestehoff, S., Dezember, A., Cathcart, E., & Quas, J. (2017, November). Talking to youth about pleading guilty: Perceptions of judges and attorneys. In C. Kelly (Chair), *Forensic interviewing across the criminal justice system*. Paper presented at the American Society of Criminology conference, Philadelphia, PA.

Dezember, A., Woestehoff, S., & Redlich, A.D. (2017, November). *Does it pay to plea: The strength of evidence in the bargaining process*. Paper presented at the American Society of Criminology conference, Philadelphia, PA.

Redlich, A.D., Miller, J., & Kelly, C. J. (2017, July). *Accusatorial and information-gathering interview and interrogation methods: A multi-country comparison*. International Investigative Interviewing and Interrogation Research Group conference, Monterrey, CA.

Redlich, A.D., & Han. W. (June, 2017). *Racial/ethnic differences in community behavioral health treatment: A comparison of mental health and traditional courts*. Center for Evidence-Based Crime Policy conference, Arlington, VA.

Clark, A. & Redlich, A.D. (2016, November). *The impact of confessions on prosecutorial misconduct*. Paper presented at the American Society of Criminology conference, New Orleans, LA.

Redlich, A.D. (2016, November). Elephants in the courtroom: Investigating under-researched aspects of wrongful conviction. In E. Martin (Chair), *NIJ's inquiries into wrongful convictions.* Paper presented at the American Society of Criminology conference, New Orleans, LA.

Turner, J. I, & Redlich, A. D. (2016, June). Two models of pre-plea discovery in criminal cases: An empirical comparison. In E. Kerrison (Chair), *Unpacking the plea bargaining process: Exploring defendant and defense counsel perspectives*. Paper presented at the Law and Society Association conference, New Orleans, LA.

Redlich, A.D. (2016, March). Discussant. In K. Houston (Chair), *Current advances in investigative interviewing.* Paper presented at the American Psychology-Law Society, Atlanta, GA.

Han, W. & Redlich, A.D. (2016, March). *The impact of community treatment on recidivism in mental health courts*. Poster presented at the American Psychology-Law Society, Atlanta, GA.

Turner, J. I, & Redlich, A. D. (2016, March). To provide or not to provide (pre-plea discovery): Experiences of prosecutors and defenders from differing state discovery models. In V. Edkins (Chair), *The psychology of plea decisions*. Paper presented at the American Psychology-Law Society, Atlanta, GA.

Turner, J. I, & Redlich, A. D. (2015, November). To provide or not to provide (discovery). In *Examining attorneys and their work*. Paper presented at the American Society of Criminology meeting, Washington, DC.

Kelly, C. J., & Redlich, A. D. (2015, June). Interrogation domains, surveys, and observations: Reflections and policy implications. In G. D. Lassiter (Chair), *Reforming interrogation procedures: Connecting*

science and policy. Paper presented at the Society for Psychological Study of Social Issues meeting, Washington, DC.

Shteynberg, R. & Redlich, A. D. (2015, March). *The role of gender in plea decision rationales.* Poster presented at the American Psychology Law Society meeting, San Diego, CA.

Redlich, A. D. (2015, March). Discussant. In G. DeClue (Chair), *Interrogations and confessions*. Paper presented at the American Psychology Law Society meeting, San Diego, CA.

Bushway, S., Yan, S., & Redlich, A. D. (2014, November). *Estimating and explaining the value of charge bargains in New York*. Paper presented at the American Society of Criminology meeting, San Francisco, CA.

Redlich, A. D., Shteynberg, R., & Nirider, L. (2014, June). *Did you say I could go home? The influence of implied statements of leniency on juveniles and adults.* Paper presented at the International Investigative Interviewing Research Group, Lausanne, Switzerland.

Kelly, C. J., Redlich, A. D., & Miller, J. (2014, March). Examining the meso-level domains of the interrogation taxonomy: Emphases and dynamics. In K. Houston (Chair), *Current advances in the psychology of investigative interviewing: Field approaches*. Paper presented at the American Psychology-Law Society, New Orleans, LA.

Redlich, A. D., Bushway, S., & Norris, R. (2014, March). Plea decision-making among defense attorneys, prosecutors, and judges. In E. Brank (Chair), *The other 97%: Psycho-legal factors and consequences of plea bargaining*. Paper presented at the American Psychology-Law Society, New Orleans, LA.

Shteynberg, R. & Redlich, A. D. (2014, March). True and false guilty pleas. In A. Redlich (Chair), *Guilty pleas and other legal responsibility taking*. Paper presented at the American Psychology-Law Society, New Orleans, LA.

Redlich, A. D. (2014, March). Research coordination network on pleas: Defense decision-making core. In S. Bushway (Chair), *Research coordination network: Understanding plea bargains*. Paper presented at the American Psychology-Law Society, New Orleans, LA.

CHAIRED SYMPOSIA

Kerrison, E. & Redlich, A. D. (2015, October). *Unpacking the plea-bargaining decision-making process for defendants and their attorneys*. Symposium presented at the Mid-Atlantic Law and Society Association, John Jay College of Criminal Justice, New York, NY.

Redlich, A. D. (2014, March), *Guilty pleas and other legal responsibility taking*. Symposium presented at the American Psychology-Law Society, New Orleans, LA.

Redlich, A. D. (2013, November), *Miscarriages of justice: Race, alibis, and admissions.* Symposium presented at the American Society of Criminology meeting, Atlanta, GA.

Redlich, A. D. (2012, November), *Miscarriages of justice: Broadening methodology in innocence research*. Symposium presented at the American Society of Criminology meeting, Chicago, IL.

Redlich, A. D. (2012, March). *Current research on intelligence interviewing and interrogation*. Symposium presented at the American Psychology Law Society conference, San Juan, Puerto Rico.

Redlich, A. D. (2011, November). *The decline of trials and the rise of a new perspective on the importance of evidence in the plea bargaining process*. Symposium presented at the American Society of Criminology conference, Washington, DC.

Redlich, A. D. (2011, November). *Current research on intelligence interviewing and interrogation*. Symposium presented at the American Society of Criminology conference, Washington, DC.

Malloy, L. & Redlich, A. D. (2008). *Situational and dispositional risk factors for false confessions*. Symposium presented at the American Psychology-Law Society Conference, Jacksonville, FL.

Redlich, A. D. (2008). *Understanding in mandated community treatment*. Symposium presented at the American Psychology-Law Society Conference, Jacksonville, FL.

Bishop-Josef, S., & Redlich, A. D. (2006). *Psychologists advocating for children and families: Why, who, and how?* Symposium presented to the American Psychological Association Convention, New Orleans, LA.

Redlich, A. D., & Morris, L. (2006). *How long does diversion take?* Symposium presented to the National GAINS Conference, Boston, MA.

Redlich, A. D., & Petrila, J. (2006). *Mental health courts: Legal, procedural, and methodological controversies.* Symposium presented at the American Psychology-Law Society Conference, St. Petersburg, FL.

Heath, W., Redlich, A., & Costanzo, M. (2005). *Advice for graduate students and beginning professionals*. Symposium at the American Psychology Law-Society Conference, La Jolla, CA.

Redlich, A. D. (2003). *The interrogation of vulnerable persons: Research issues, legal responses, and policy implications*. Symposium presented at the joint European Association of Psychology and the Law and the American Psychology-Law Society, Edinburgh, Scotland.

Redlich, A. D., & Ghetti, S. (2002). *The competence of child suspects and defendants: Perceived and actual capabilities*. Symposium presented at the American Psychology-Law Society Conference, Austin, TX.

Steiner, H., & Redlich, A. D. (2000). *Response and responsibility: The psychology and psychiatry of false confessions*. Symposium presented at the American Academy of Child and Adolescent Psychiatry meeting, New York, NY.

Redlich, A. D., & Ghetti, S. (2000). *Juveniles in the justice system: Factors relating to the commission, investigation, and judgment of adolescent crime*. Symposium presented at the American Psychology-Law Society Conference, New Orleans, LA.

Goodman, G. S., & Redlich, A. D. (1997). *Recent developments and dilemmas in ethical issues for developmental research*. Symposium presented at the Society for Research in Child Development Biennial Conference, Washington, DC.

TEACHING EXPERIENCE

George Mason University
Psychology and the Criminal Justice System (Undergraduates, Fall 2015, 2016; Grad, Fall 2016)
Criminology, Law and Society Capstone seminar (Undergraduates, Spring 2016, 2017, 2018; Fall 2017)
Graduate Professionalization Seminar (Grad, Spring 2018)

University at Albany
Experimental Criminology (MA-PhD students, Fall 2009; Spring 2015)
Grant Writing (PhD students, Fall 2013)
PhD Orientation to Academia (PhD students, Fall 2012, 2013)
Psychology and the Criminal Justice System (Undergraduates, Fall 2009-2014)
Psychology and the Legal System (MA-PhD students, Spring, 2009)
Wrongful Convictions (Undergraduates, Spring 2013-2015; MA-PhD students, Spring 2010, 2012, 2014)

Russell Sage College
Topics in Forensics (MA students, Spring 2005)

Stanford University
Child Development (Adult Continuing Education students, Spring 2002)

SELECTED SERVICE

2017--	Graduate Director and Associate Chair, George Mason University, Dept. of Criminology, Law and Society
2016-	Expert Advisory Panel, SJ 47 Study of Mental Health Services in the 21st Century in VA
2016--	Senior Fellow, Center for Evidence-Based Crime Policy, George Mason University
2015-2017	Committee on Legal Issues (COLI), American Psychological Association
2013-2014	2014 Conference Co-Chair, American Psychology-Law Society (Division 41, APA), New Orleans, LA, Appointed position
2013-2014	School of Criminal Justice/Hindelang Center Seminar Series Coordinator
2011-2013	Research Working Group, Strategic Plan Implementation; University at Albany
undisclosed	National Science Foundation, Law and Social Science Dissertation Review Panel
undisclosed	MacArthur 'Genius Award' Fellowship candidate evaluator
2010	Planning Advisory Board member, *Symposium on Crime and Justice: The Past and Future of Empirical Sentencing Research* (PI: S. Bushway). Conference sponsored by the National Science Foundation
2009-	Advisory Board member, Center on Wrongful Conviction of Youth, Northwestern University School of Law

2009-2014 Graduate Academic Council's Committee on Education Policy & Procedures, University at Albany

2009-2015 Co-Editor, *Actual Innocence*, American Psychology-Law Society (Division 41, APA) Newsletter (with doctoral student, Robert Norris)

2008-- 2014 Graduate Admissions Committee, School of Criminal Justice, University at Albany [Chair and member]

2007 – 2010 Executive Committee, Member-At-Large, American Psychology-Law Society (Division 41, APA), Elected position

2005 – 2008 Executive Committee, Member-At-Large for Advocacy, Society for Child and Family Practice and Policy (Division 37, APA), Elected position

2005 – 2015 Internal Review Board Member, Policy Research Associates, Inc

2005 – 2012 Co-Editor, *Teaching Tips*, American Psychology-Law Society (Division 41, APA) Newsletter

2004 – 2007 Chair, Teaching, Training, and Careers Committee, American Psychology-Law Society (Division 41, APA)

Editorial Boards:
2016—present *Journal of Experimental Criminology*
2015—present *Journal of Quantitative Criminology*
2010 – present *Albany Law Review* [special annual issue on Miscarriages of Justice]
2008 – present *Law and Human Behavior*
2007 – present *Psychology, Public Policy, and Law*
2007 – 2010 *Behavioral Sciences of Terrorism and Political Aggression: Journal of the Society for Terrorism Research*

Ad hoc Journal, Publication, and Granting Agency Reviews:
American Journal of Criminal Justice; Anderson Publishing; Archives of General Psychiatry; Behavioral Sciences and the Law; Child Abuse and Neglect; Child Maltreatment; Crime and Delinquency; Criminal Justice and Behavior; Criminal Justice Policy Review; Criminology; Current Directions in Psychological Science; Journal of Applied Social Psychology; Journal of Child Sexual Abuse; Journal of Clinical Child and Adolescent Psychology; Journal of Quantitative Criminology; Justice Quarterly; Legal and Criminological Psychology; National Science Foundation; Ontario Mental Health Foundation; Oxford University Press; Personality and Individual Differences; Psychology, Crime, and Law; Psychiatric Services; *Social Problems; Western Criminology Review; Wiley-Blackwell Publisher; Worth Publishers*

Student and Postdoctoral Mentorship
Honors: Allie Briggs (University at Albany)
Kathryn Cronin (University at Albany)
Alex Marquina (George Mason University; received Outstanding Thesis Award; Psychology)
Delonie Plummer (University at Albany)
Krista Wallace (University at Albany)

Claire Wooster (George Mason University)
Masters/Comp: Catherine Bonventre (University at Albany)
Reyna Cartagena (George Mason University)
Lauren Duhaime (George Mason University)
Rachel Jensen (George Mason University; Chair)
Jennifer Kamorowski (George Mason University)
Cynthia J. Najdowski (University of Illinois, Chicago)
Robert Norris (University at Albany)
Reveka Shteynberg (University at Albany; Chair)
Jennifer Weintraub (University at Albany)
Shi Yan (University at Albany)
Ronald Zimmerman (George Mason University)
Doctoral: Sara Berg (University at Albany)
Kathleen M. Bolling (Indiana University, Bloomington)
Catherine Bonventre (University at Albany)
Andrew Davies (University at Albany)
Sara Debus-Sherrill (George Mason University)
Amy Dezember (George Mason University)
Erika Fountain (Georgetown University)
Woojae Han (University at Albany, School of Social Welfare; Co-Chair)
Kelsey Henderson (University of Florida, Gainesville)
Brittany Hood (Indiana University)
Leona Jochnowitz (University at Albany)
Catherine Kimbrall (George Mason University)
Siyu Liu (University at Albany)
Kimberly Meyer (George Mason University)
Robert Norris (University at Albany)
Sean O'Callaghan (University of Portsmouth, United Kingdom)
Jeffrey Sandler (University at Albany)
Jeremy Shifton (University at Albany; Chair)
Reveka Shteynberg (University at Albany; Co-Chair)
PostDoctoral: Christopher Kelly (University at Albany)
Skye Woestehoff (George Mason University)

Selected Media Appearances:
"*Geraldo at Large"* a national television show*;* "*Annie Armen Live*" a national radio show; WWJ All News Radio, Detroit, MI (CBS-owned affiliate); Interviewed and cited prominently in *New York Times Upfront* (Patricia Smith); *Psychiatric News* (Aaron Levin); *The National Law Journal* (Leonard Post); *San Francisco Chronicle* (John Koopman); *APA Monitor* (Zak Stambor; Erika Packard); *Houston Chronicle*, *Syracuse The Post-Standard* (John O'Brien), *Newsday* op-ed (with James R. Acker); *Propublica* (Joaquin Sapien). NPR academic minutes, 11/25/14: http://academicminute.org/2014/11/allison-redlich-university-at-albany-mental-health-courts/; *The Crime Report* (David Krajicek); Undisclosed podcast.

CURRENT AND PAST MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

American Society of Criminology
American Psychological Association
Association for Psychological Science
American Psychology - Law Society (Div. 41, APA)
Division of Experimental Criminology (ASC)
International Investigative Interview Research Grp
Law and Society Association
Society for Child and Family Practice and Policy (Div. 37, APA)
Section on Child Maltreatment (Div. 37, Section 1, APA–Graduate Student President, 1999)

Handout 44

MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

DDH 38-42-98
Prot. NMS 08-14-53

Spr. For.
BLACKMAN, JAMES ANDREW
COO 09-24-84
WAKE

Court No: 83-CRS-084695

FORENSIC PSYCHIATRIC HISTORY, EVALUATION, DISCHARGE SUMMARY, AND AFTERCARE PLAN

SENSITIVE INFORMATION
When Requested By Consumer Must Be Shown And/Or Interpreted By A Competent Clinician. Redisclosure Prohibited By Law Without Client Consent.

Date of Admission: September 24, 1984

Date of Discharge: October 15, 1984

Correspondent: Jessie Hooker, Grandmother
Lumberton, NC

Identifying Data: This 31 year old, black, single man is referred for evaluation of capacity to proceed on the charge of murder. His attorney is Mr. J. Franklin Jackson, P. O. Box 367, Raleigh, NC 27602.

Data Basic to Opinions: Opinions expressed in this report are based on interviews with the patient, observation of ward behavior, review of previous medical records, psychological testing, contact with the Wake County Jail, and contact with the Wake County Police Department.

Mental Status on Admission: At the time of admission Mr. Blackman is a tall, husky, black man who is pleasant and cooperative with clear speech and friendly mood. There are no apparent suicidal feelings, disorganized thinking, hallucinations, or delusions. Concentration, orientation, memory, intellectual functions are intact. Judgment and insight are fair. My initial impression is personality disorder.

Physical Examination: Within normal limits.

Laboratory Data: Patient refused laboratory studies.

Social History: Mr. Blackman has five previous admissions to Dorothea Dix Hospital, starting in 1981 when he was transferred from Central Prison and was last discharged 12-2-83.

Mr. Blackman comes from a very deprived background and has only limited educational, vocational, and socializing experiences. He has had an active sentence in New York and also in North Carolina. He has had previous arrests. The alleged crime occurred in 1979. Mr. Blackman denies involvement with this, although he has made a statement implicating himself in this crime to others. The only information available about Mr. Blackman's condition about that time is a police report from Jacksonville, Florida dated January 1980. For the most part, since his transfer to Dorothea Dix Hospital from Central Prison in 1981, Mr. Blackman has been either at Dorothea Dix Hospital, the Wake County Jail or the Department of Correction. Previous diagnoses at the Department of Correction and Dix have been atypical psychosis, mixed personality, paranoid schizophrenia, adult antisocial behavior, and bipolar disorder.

Hospital Course: Overall, Mr. Blackman adjusted well to the hospital and presented few problems while here. He received psychotropic medication only for sedation at night. There was no indication of a psychotic disorder during this admission, and his condition at the time of discharge was essentially unchanged from that at the time of admission.

Dorothea Dix Hospital
Raleigh, North Carolina

SENSITIVE INFORMATION
When Requested By Consumer Must Be Shown And/Or Interpreted By A Competent Clinician. Redisclosure Prohibited By Law Without Client Consent.

FORENSIC PSYCHIATRIC HISTORY, EVALUATION, DISCHARGE SUMMARY, AND AFTERCARE PLAN

Psychological Testing: Compatible with a personality disorder.

Opinions: Mr. Blackman presently is capable of proceeding to trial in that he has an understanding of his legal situation and is able to cooperate with his attorney. Specific information about his condition at the time of the alleged crime in September 1979 is not available. I have examined Mr. Blackman previously and in my opinion he has never had a psychotic disorder. However, other psychiatrists have felt at times that he did have a psychotic disorder. In my opinion Mr. Blackman likely was responsible for his actions at the time of the alleged crime. However, he denies guilt for this. Also, my assessment of his responsibility is based only on my assessment that he has never been psychotic and other psychiatrists have had a contrary opinion at various times.

In my opinion Mr. Blackman does not require psychotropic medication.

Diagnoses:
Axis I: No diagnosis V71.09
Axis II: Mixed personality disorder with primitive, antisocial, and aggressive features 301.89
Axis III: No diagnosis

Medications: None

Recommendations: Discharge to sheriff.

B Rollins MD
Bob Rollins, M. D./10-15-84
Forensic Psychiatrist

BR/ew/10-15-84

cc: Presiding Judge, Wake County, Raleigh, NC
J. Franklin Jackson, Attorney, P. O. Box 367, Raleigh, NC 27602
J. Randolph Riley, District Attorney, P. O. Box 31, Raleigh, NC 27602
James Andrew Blackman, Client

Handout 45

WALTER A. SCARBOROUGH, JR., M. D.
SUITE 101, 1004 DRESSER COURT
RALEIGH, NORTH CAROLINA 27609

TELEPHONE 919 - 876-0090

Psychiatric Evaluation of James Blackman

I. Review of Medical Evidence:

Personal review of the copious psychiatric records of James Blackman required a minimum of nine hours. These records consisted primarily of notes from past admissions to Dorothea Dix Hospital, Raleigh, NC, with his first admission being upon referral from Central Prison, Raleigh, NC, because of "assaultive behavior". It was noted that history indicated that the patient's mother is said to suffer with schizophrenia, that he was born while she was incarcerated at Women's Prison, and that the patient has spent most of his 33 years in various institutions, either for mental illnes or legal difficulties. His first DDH admission lasted almost one year, from 06/18/81 to 06/14/82, with discharge then being due to unauthorized absence. Initial psychiatric diagnoses were (1) "schizophrenia, paranoid type" and (2) "antisocial personality disorder". Final (discharge) diagnoses were (1) "adult antisocial behavior" and (2) "Atypical personality disorder with borderline features". It should be noted that the patient was treated with an extremely large dose of antipsychotic medication (chlorpromazine) up to 1,050 mg/day (average dose 200 mg/day) and Lithium Carbonate. History indicated that he was then in prison for "stealing a bag of cookies." History also indicated past psychiatric hospitalizations in Florida and New York and while in Attica State Prison. Moreover, the patient was said to have showed evidence of mental illness by age 10 and to have only had a fourth grade education. The second DDH admission from 01/21/83 to 09/12/83 was precipitated by the patient's allegedly exposing himself to a librarian and exhibiting "violent" behavior. He was treated with Haldol 80 mg daily (a very high dose of this antipsychotic medication) as well as Lithium. The patient was noted to react to minimal stress by resorting to labile, immature, hostile, and threatening behavior. He was discharged to the Wake County Sheriff and charged with assault after allegedly knocking off a staff member's glasses. There was again much apparent difficulty in arriving at a diagnostic formulation for this patient. Discharge diagnoses were (1) "Bipolar disorder by history, currently in remission" and (2) Primary diagnosis of "mixed personality disorder with primitive, anti-social and aggressive features". The patient's third admission to DDH from 10/02/83 to 10/18/83 resulted in diagnoses of "Atypical psychosis" and "mixed personality disorder with borderline and anti-social features". Psychotic comments of note included that the patient "has a severely debilitating chronic psychiatric condition and the likelihood of recurrence of his psychosis". The patient's fourth and fifth admissions were from 10/28/83 to 11/18/83 and 11/28/83 to 12/07/83, respectively, with diagnostic impressions being similar to the above (11/18/83: "Atypical psychosis" and "mixed personality disorder with anti-social and borderline features").

The patient last underwent forensic evaluation at DDH 09/24/84 to 10/15/84 after being charged with the murder of one Helena Peyton on 09/28/79. At that time the opinion was expressed that the patient "likely was responsible for his actions at the time of the alleged crime". "However, he denies guilt for this", was an added statement. He has since been incarcerated in the Central Prison Mental Health Facility.

James Blackman (cont.)

Psychological testing was carried out at DDH on 01/26/82, 02/02/82, and 02/12/82. The standard WAIS-R was used for IQ assessment with findings of Verbal IQ = 69, Performance IQ = 72, and Full Scale IQ = 69, or mild mental retardation (IQ 50-70). The psychologist commented that the IQ was believed to be lowered by the patient's "cultural deprivation and an extremely impoverished childhood" and that "Intellectual potential" was believed likely to be in the borderline retarded range (IQ 70-80). Nevertheless, the patient's effective current level of function appears to be in the mild range of mental retardation from all data.

II. Review of transcript of conversations between Mr. Blackman and Raleigh Police Department investigators J. C. Holder and A. C. Munday over several months of late 1983 regarding Helena Peyton homicide consisting of 114 pages and concluding on 12/07/83: In summary, the conversation and comments of the patient were highly indicative of overt psychotic thinking throughout this period of time with clear delusions, erratic and bizarre behaviors, and severely impaired judgement. It is also the opinion of this physician that the patient was taking very little if any of his antipsychotic medication during this period of time and that he was suffering from a schizophrenic illness in a state of very poor control and with very poor contact with reality.

III. James Blackman was evaluated for one and a half hours by this psychiatrist in a comprehensive psychiatric evaluation on May 29, 1986, at the Central Prison Mental Health Unit, Raleigh, NC. The patient was essentially cooperative overtly but covert hostility and a paranoid flavor were present throughout the interview. He carried various religious books, of which he was very possessive, in a shopping bag into the examination room with him. He had somewhat bizarre and very childlike "charms" made from locally available items such as string, tape, and cardboard dangling from his wrists. The patient obviously had much difficulty trusting the examiner, who was introduced to him at length by his attorney, Mr. Frank Jackson, but he eventually became basically cooperative regarding the interview and was believed to answer historical questions to the best of his ability.

The patient was asked questions, which had to be phrased in very simple terms and frequently repeated in an effort to clarify issues about his past treatment and his reported confession regarding murder. His responses were consistent with all evidence available to the examiner, although he was a poor historian as would be expected from his level of mental retardation. Specifically, the patient denied the murder to which he had confessed and said several times that he had been "tricked". The patient was calm and showed some dyskinetic involuntary muscular movements consistent with treatment with antipsychotic major tranquilizer drugs. The patient was aware that he was taking medication and that these side effects were due to them, but he could not identify either medications or current daily dose. Stream of talk was essentially spontaneous, relevant and coherent without definite loosening of associations although the patient would frequently ask a moderately tangential question or make an irrelevant comment. No overt evidence of disorder of thought content was elicited including delusions, hallucinations, or paranoid ideation, although the patient admitted to having such experiences in the past and, further, was able to relate these phenomena to at least some degree to not having been taking medications such as he was receiving in the Mental Health Unit. Cognitive function reflected the patient's lack of education but especially his low IQ (Verbal = 69, Performance = 72, FSIQ = 69) and he appeared to be functioning in the mild range of mental retardation (IQ 50-70).

James Blackman (cont.)

Judgement was considered to be moderately impaired secondary to residual psychotic features (suspiciousness, paranoid ideas, emotional lability) as well as to mild mental retardation (Full Scale IQ = 69). The patient was not considered competent to manage his affairs in his own best interests without outside assistance.

IV. Diagnostic Impressions:

Axis I: Schizophrenia, paranoid type, chronic, in partial control with medication. (Primary) - No. 295.32

Axis II: Mixed personality disorder with antisocial and borderline traits. No. 301.89

Axis III: No diagnosis.

Walter A. Scarborough, Jr., M.D.

Walter A. Scarborough, Jr., M. D.
Psychiatrist
August 14, 1986

WAS/se

Handout 46

North Carolina Department of Human Resources
Division of Mental Health, Mental Retardation and Substance Abuse Services
Dorothea Dix Hospital
South Boylan Avenue • Raleigh, North Carolina 27611

James G. Martin, Governor
Phillip J. Kirk, Jr., Secretary

A. G. Tolley, M. D., Director
(919) 733-5324

April 28,1987

Mr.William P.Hart
Assistant Attorney General
Special Prosecutions
Department of Justice
Post Office Box 629
Raleigh,North Carolina 27602

Re: Mr.James Blackman
Wake File # - 83CRS 084695

Dear Mr.Hart,

I have reviewed the Dix folder,Mr.Blackman's contacts with the detectives and Dr.Scarborough's report. My opinions are unchanged from my report of 10-15-84.

Because of the very complex nature of this case,probably more psychiatrists would agree with Dr.Scarborough than with me. I can go to Central Prison to re-examine Mr.Blackman if you obtain a court order and clear this with his attorney.

As a result of Mr.Blackman's limited social skills and the stress of his situation, Mr.Blackman may be vulnerable to pleasing others who offer him support.

In my opinion, Mr.Blackman lacks the ability to survive on his own. Actions dangerous to others are inevitable. On some level Mr.Blackman is more comfortable in a correctional situation. Considering everything about the case,my belief is that everyone (society and Mr.Blackman) will be best served if you can arrange for him to accept a plea to as long a sentence as possible.

Yours truly,

Bob Rollins MD

Bob Rollins,M.D.
Forensic Psychiatrist

R/phc

-11

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Handout 47

State of North Carolina
General Court of Justice
Tenth Prosecutorial District

N. LORRIN FREEMAN
DISTRICT ATTORNEY

P. O. BOX 31
RALEIGH, N.C. 27602-0031

TELEPHONE:
(919) 792-5000

Honorable Anna Mills Wagoner, Chair
N.C. Innocence Inquiry Commission
P.O. Box 2448
Raleigh, N.C. 27602

November 9, 2018

Dear Judge Wagoner:

As you may be aware, the case of State v. Blackmon to be considered by the North Carolina Innocence Inquiry Commission next week originated and was prosecuted in Wake County, North Carolina. As Wake County District Attorney, I have had the opportunity to review much of the information that will be presented to the Commission over the past week following the prehearing conference that was held on November 2, 2018. Unfortunately the expert opinions submitted to the Commission as part of the materials for it to consider were not available for review until today. Our deadline to provide a written statement to the Commission is less than 48 hours from now. Because of this time limitation, and based on other considerations, we will not be providing a case statement at this time. We do, however, take this matter extremely seriously and appreciate the diligent consideration of this case by the Commission.

Sincerely,

N. Lorrin Freeman
Wake County District Attorney

Handout 48

In addition to the transcript listed below, there is an audio clip of a different interview with Thomas Manning. A copy of that interview is listed separately on the Commission's website.

NORTH CAROLINA
WAKE COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA,

Plaintiff,

vs.

JAMES BLACKMON,

Defendant.

FILE NO. 83 CRS 84695

This is the transcript of the recorded interview taken of Thomas Manning which was conducted by Catherine Matoian from the North Carolina Innocence Inquiry Commission. The recorded interview took place on March 12, 2014.

APPEARANCES:

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

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

2 MR. MANNING: … talked to the -- I

3 can't remember if the Innocence project

4 (indiscernible) worked on this sometime back or

5 not. I just can't --

6 MS. MATOIAN: I think --

7 MR. MANNING: Several townspeople have

8 asked me about it.

9 MS. MATOIAN: I think you may have

10 spoken to Beth McNeil about it, Prisoner Legal

11 Services.

12 MR. MANNING: Yeah, that sounds

13 familiar.

14 MS. MATOIAN: Yeah.

15 MR. MANNING: What, four, five years

16 ago?

17 MS. MATOIAN: Yeah, sometime pretty

18 recently. Okay. I just want to give you --

19 MR. MANNING: How is he?

20 MS. MATOIAN: I actually have not

21 spoken to Mr. --

22 MR. MANNING: I used to send him money

23 at Christmas and send him Christmas cards and

24 then I stopped doing that.

25 MS. MATOIAN: Yeah. I don't know if

1 you're very familiar with the Innocence
2 Commission. I just want to give you a brief --
3 MR. MANNING: I'm familiar with it.
4 MS. MATOIAN: Okay.
5 MR. MANNING: My brother's chaired a
6 couple of the hearings --
7 MS. MATOIAN: Okay.
8 MR. MANNING: -- and he's -- I've read
9 the statute and followed through with him as he
10 explained how they were doing the things he was
11 working on, so I understand how it works.
12 MS. MATOIAN: Okay. And just to be
13 clear, we don't represent Mr. Blackmon. We'll
14 never represent Mr. Blackmon --
15 MR. MANNING: Right.
16 MS. MATOIAN: -- throughout the
17 process. Okay.
18 Were you hired or appointed?
19 MR. MANNING: Appointed.
20 MS. MATOIAN: Appointed, okay. And
21 something I haven't been able to figure out in
22 looking at the files that I do have, do you
23 remember him ever telling you about where he was
24 living around the time of the murder? The best I
25 can understand he was arrested in New York a

1 month before the murder and in Florida about two
2 months after the murder.
3 MR. MANNING: I don't have the file.
4 I don't have my notes. I'm at a complete
5 disadvantage.
6 MS. MATOIAN: I understand. Do you
7 remember the preliminary hearings regarding his
8 confession and things like that?
9 MR. MANNING: I know I filed a Motion
10 to Suppress, and that was the part of my effort
11 to deal with this case. I was trying to remember
12 who the judge was for that, and I can't remember
13 who the trial court was or my opponent now.
14 MS. MATOIAN: I think it was Bill Hart
15 was the ADA.
16 Do you happen -- I know it's been a
17 long time, do you happen to remember if they
18 brought the shirt or the knife in -- during your
19 Motion to Suppress?
20 MR. MANNING: I don't think so because
21 the whole issue was whether the confession was
22 tricked and whether -- who was it, the -- it was
23 the Mutt and Jeff cops. It was Jimmy Holder and
24 A.C. Munday were the detectives on the case, and
25 Jimmy, I think he now works security for Bank of

1 America or something --

2 MS. MATOIAN: Uh-huh.

3 MR. MANNING: -- he went to school on

4 whatever was wrong with the client, read a bunch

5 of stuff, and then I think tricked him into

6 giving that confession. I'll never believe

7 otherwise, and that was the whole spirit of my

8 cross-examination. My attack on the thing was

9 that he, Holder, read up on the various

10 personality disorders and then got him -- I think

11 it was taped. I can't remember if it was taped

12 or pretty close notes, got him in a rhythm of

13 agreeing with him and then got him to say that

14 the bad -- I think the bad James Blackmon killed

15 him, not the good James. I think that's what

16 the --

17 MS. MATOIAN: Yeah.

18 MR. MANNING: Who was the judge?

19 MS. MATOIAN: You know --

20 MR. MANNING: Was it J.B. Allen? I

21 just can't remember.

22 MS. MATOIAN: I don't remember. I

23 know Bill Hart was the ADA because he also

24 handled it on appeal, but I don't remember who

25 the judge was off the top of my head.

1 MR. MANNING: And then did I then
2 plead him reserving the right to appeal the
3 suppression issue rather than go to trial or --
4 okay.
5 MS. MATOIAN: Yes. Yes. If you can
6 remember back to that time --
7 MR. MANNING: I just don't remember in
8 the hearing whether there was any physical
9 evidence introduced.
10 MS. MATOIAN: If there was --
11 MR. MANNING: Is that stuff missing
12 now or the cops don't have it or --
13 MS. MATOIAN: We haven't been able to
14 locate it up to this point, so we're trying to
15 follow up all of our leads to see --
16 MR. MANNING: It should be in the
17 Raleigh Police evidence.
18 MS. MATOIAN: Yeah.
19 MR. MANNING: I'm sure they wouldn't
20 have gotten a destruction order in something in a
21 murder case, but maybe they did.
22 MS. MATOIAN: If something was brought
23 to court for a preliminary hearing and evidence
24 was introduced --
25 MR. MANNING: There wasn't a

1 preliminary hearing.

2 MS. MATOIAN: Oh, I'm sorry --

3 MR. MANNING: This was a Motion to

4 Suppress.

5 MS. MATOIAN: -- on a Motion to

6 Suppress --

7 MR. MANNING: You know, we don't have

8 preliminary hearings anymore.

9 MS. MATOIAN: -- on a Motion to

10 Suppress and evidence was introduced, would it be

11 kept at the clerk's or would it be sent back to

12 the law enforcement?

13 MR. MANNING: It would be -- if it

14 were contraband or a firearm, it would be -- the

15 judge would order that the police maintain it.

16 And if it's anything else, the clerk would keep

17 it in their evidence locker, evidence safe.

18 MS. MATOIAN: Okay.

19 MR. MANNING: Now, what they do after

20 the final appeals are exhausted I don't know.

21 MS. MATOIAN: Okay.

22 MR. MANNING: But I know that when the

23 -- when I was helping do the research on the

24 Racial Justice Act statistics, Suzanne, I can't

25 remember -- she's retired now, the clerk, had

1 every capital murder case in a separate part of
2 the storage attic in the old courthouse, and she
3 had every scrap of paper from the beginning to
4 end in every case, every capital case. And I
5 think James' ended up at Second, didn't it, on
6 the plea?
7 MS. MATOIAN: Uh-huh.
8 MR. MANNING: Okay. And they may --
9 she had all the exhibits and everything unless
10 the Appellate Court wanted them, and they always
11 sent them back to the clerk.
12 MS. MATOIAN: What was your impression
13 of James Blackmon? Was he able to understand
14 what was going on?
15 MR. MANNING: I thought he was low-
16 functioning. I think I had him evaluated, but I
17 just can't remember, but I'm almost certain --
18 MS. MATOIAN: I think you did.
19 MR. MANNING: -- I sent him to Dix and
20 had him evaluated, and he wasn't -- I think he
21 was a 74, 75. I remember it wasn't, I mean, it
22 wasn't even close to 70, not close enough to do a
23 retardation issue. We were starting to talk
24 about it then, although it wasn't in everybody's
25 forefront of their minds, but yeah, he was slow.

1 And that's why I thought he was tricked by
2 Holder's interrogation.
3 MS. MATOIAN: And that was your memory
4 that Holder did most of the interrogating, and
5 Munday?
6 MR. MANNING: Holder's the one that
7 got the confession.
8 MS. MATOIAN: Okay.
9 MR. MANNING: Munday may have been in
10 the room taking notes. They usually worked --
11 they were a tag team, homicide investigators for
12 about eight years. I don't -- I can't remember
13 if they were taping interviews then or not. We'd
14 tape them for a long time, but then they stopped
15 doing it, and then the court -- then we -- they
16 started again, but they were -- I think they
17 taped it. Didn't they have a cassette tape or --
18 MS. MATOIAN: I believe they taped it,
19 and I have a transcript, but I think those tapes
20 have been destroyed.
21 MR. MANNING: Okay. But you've got
22 the transcript?
23 MS. MATOIAN: Yeah.
24 MR. MANNING: Okay. Because I seem to
25 remember that that was during the -- before '88

1 or '89 when they were actually doing it right,
2 not cheating, or they did for the next 15 years.
3 We could hear what they said and how they said
4 it.
5 MS. MATOIAN: Do you ever remember
6 anyone telling you about the fingerprints from
7 the bathroom stall?
8 MR. MANNING: Uh-huh.
9 MS. MATOIAN: What do you remember
10 about those?
11 MR. MANNING: I seem to remember
12 something about that, but -- were they James'?
13 MS. MATOIAN: No.
14 MR. MANNING: They weren't. Yeah,
15 well, I did know that.
16 MS. MATOIAN: Yeah. They weren't
17 anybody's that they -- they compared them to --
18 MR. MANNING: Yeah.
19 MS. MATOIAN: -- multiple people.
20 MR. MANNING: I do remember -- okay, I
21 got that. The confession was the -- that kind of
22 trumped all the absence of everything else. To
23 me anyway it just seemed hopeless to try the
24 case. But yeah, I got that information.
25 Hart, he and I were law clerks

1 together for Judge Larkins a million years ago,
2 and we never liked each other. Even when he
3 practiced law for Joe Cheshire and me, I didn't
4 like him then, and then he went back to the DA's
5 office after a year. He couldn't stand doing
6 defense work. And I don't like him to this day,
7 and now he's chief of Criminal Appellate
8 Operations for the Attorney General's Office.
9 MS. MATOIAN: I think he's retired.
10 MR. MANNING: Is he retired? Well,
11 good. I hope he moves back to Rochester or
12 wherever the hell he came from, but --
13 Hart knew better than not to give us
14 evidence because we knew all the tricks anyway,
15 and I didn't like him and I would have reported
16 him to the bar if I had caught him doing
17 anything. And then we, you know, joined again in
18 the Little Rascals case, and so my dislike for
19 him turned in abject hatred by the time that
20 thing was over, so -- if I could shoot him and
21 get away with it, I would. No love loss there.
22 MS. MATOIAN: Yeah. Do you remember
23 anything specific about the fingerprints, whether
24 or not they were in blood or --
25 MR. MANNING: I don't.

1 MS. MATOIAN: Okay.
2 MR. MANNING: I mean, now that you
3 mentioned it, I do remember that it wasn't --
4 there was no physical evidence against James.
5 MS. MATOIAN: And if I'm understanding
6 the timeline correctly, he was arrested around
7 1983 or 1982, and then he wasn't convicted until
8 1988. Were you his attorney that whole time --
9 MR. MANNING: I don't think so.
10 MS. MATOIAN: -- or just came probably
11 closer to 1988?
12 MR. MANNING: Yeah. I don't know who
13 his counsel was before me.
14 MS. MATOIAN: Okay. Is there anything
15 else that you remember about this case, anything
16 that stuck out to you or --
17 MR. MANNING: No, just that I really
18 believed that I would win the suppression
19 hearing, and I really did, and I thought that I
20 would win it on appeal. I can't remember if I
21 did the appeal or somebody else did it.
22 MS. MATOIAN: I believe you did.
23 MR. MANNING: I really thought that he
24 had been -- I thought the police had taken
25 advantage of a weak-minded person and had gotten

1 a statement, and he never ever said anything to
2 me that indicated that he knew shit about this or
3 that he had done anything. And I don't know if
4 he's made subsequent statements or not, but he
5 never admitted doing anything wrong to me. He
6 always maintained that he hadn't done anything.
7 He didn't know why he was charged. He didn't
8 know why he was in jail.
9 MS. MATOIAN: Did you discuss the
10 confession with him? Did he think he had been
11 tricked?
12 MR. MANNING: Didn't I put him up and
13 examine him during the suppression hearing?
14 MS. MATOIAN: I don't have a full
15 transcript of the suppression hearing.
16 MR. MANNING: I think I put him up.
17 MS. MATOIAN: I have --
18 MR. MANNING: And I think there was a
19 -- well, just -- I don't have the transcript, but
20 I think there was a Miranda waiver issue. I'm
21 not sure about that, but there was -- I think I
22 put him up.
23 MS. MATOIAN: Okay.
24 MR. MANNING: I think I would have had
25 to have put him up to proceed, but I just don't

1 remember the details.

2 MS. MATOIAN: Yeah. I have portions

3 of the Motion to Suppress hearing from appellate

4 briefs and stuff like that, but I don't think --

5 MR. MANNING: The whole transcript

6 ought to be in the clerk's office of the Court of

7 Appeals.

8 MS. MATOIAN: I don't have a full

9 clerk's file either.

10 MR. MANNING: From the Appellate

11 Division? Did it go up -- did somebody else take

12 it up to the -- did they -- I don't think I filed

13 a petition for cert, did I?

14 MS. MATOIAN: No. I don't think so.

15 As far as I know, it just went to the Court of

16 Appeals, but we can -- I've checked with the --

17 MR. MANNING: They should have the

18 entire trial transcript or at least the entire

19 transcript of the suppression hearing.

20 MS. MATOIAN: Okay. I'll check with

21 the Court of Appeals because I've only checked

22 with the clerk.

23 MR. MANNING: Does the DA's office

24 have it because back then they would put --

1 MS. MATOIAN: The DA's office doesn't
2 have a file either.
3 MR. MANNING: Really? Because I know
4 that they -- because back then we all -- we had
5 to put the records together. There wasn't a
6 appellate defender's office, so everybody had to
7 get a transcript, sit down and duke it out.
8 MS. MATOIAN: Yeah. The DA's -- you
9 know, obviously, it's been a long time. It's
10 kind of a little bit hard to find documentation
11 anywhere.
12 MR. MANNING: You may want to make one
13 more call over there if you haven't already and
14 talk to Karen Scott. She is the senior legal
15 assistant/victim witness coordinator for the DA's
16 office, and like me, she's the oldest rat in that
17 barn, and she would know if they have anything in
18 their archives. If you just wrote a letter and
19 it went to some duty assistant, they're not going
20 to know shit, but Karen would know if it was
21 there or not.
22 MS. MATOIAN: I actually, now that you
23 say who she is, the ADA that I've been working
24 with, he actually had her working --
25 MR. MANNING: Who is it, Howard

1 Cummings?

2 MS. MATOIAN: No, Mark Stevens.

3 MR. MANNING: Well, he's a good guy.

4 He's Hugh Stevens' son. You know who that is?

5 MS. MATOIAN: Huh-uh.

6 MR. MANNING: Well, he's general

7 counsel for the News & Observer Publishing

8 Company.

9 MS. MATOIAN: Oh, wow.

10 MR. MANNING: A big deal on individual

11 rights, and Mark's in the DA's office now, but he

12 won't be there for long. He's perfectly

13 straight.

14 MS. MATOIAN: Yeah. He's been very

15 cooperative and helpful, and he did mention

16 having someone who's worked there longer than

17 everyone.

18 MR. MANNING: Yeah, that would be

19 Karen.

20 MS. MATOIAN: That she was -- that she

21 looked for the file.

22 MR. MANNING: She usually looks after

23 the post-conviction stuff --

24 MS. MATOIAN: Yeah.

25 MR. MANNING: -- and looks after the

1 first-degree murder archives that they have.
2 When did we do this, '88?
3 MS. MATOIAN: He was convicted in
4 1988. I think January. I think he was in
5 Central or maybe some kind of medical facility
6 from the time he was arrested up until he was
7 convicted.
8 MR. MANNING: I think he was in the
9 psychiatric unit at Central Prison.
10 So in January of '88, I was still with
11 Paul, Hill, O'Donnell, Taylor, Manning and
12 Sharon, right? Yeah, because we hadn't merged
13 with Young Moore then.
14 I am not being any help to you, and I
15 really wish I could be, because I'd really --
16 MS. MATOIAN: You really are
17 because --
18 MR. MANNING: -- want to see some ways
19 James could have a life.
20 MS. MATOIAN: Like I said, it's been,
21 you know, 30 years, so I mean, little bits of
22 memory is very, very helpful.
23 MR. MANNING: Well, when you, you
24 know, I forget when you called, but I went out to
25 my storage barn just to see if I kept that file.

1 I kept some murder files, but I don't have it.
2 MS. MATOIAN: Okay. What's your usual
3 file retention policy?
4 MR. MANNING: Six.
5 MS. MATOIAN: Six years?
6 MR. MANNING: Unless there was some,
7 you know, major case that I had that I thought
8 might come back or that I might need to make
9 reference to.
10 MS. MATOIAN: Okay.
11 MR. MANNING: I usually keep my first-
12 degree murder files, but I've done so many now,
13 started letting them go after about 10 or 12
14 years because it's just too -- I've got two huge
15 barns full of files.
16 MS. MATOIAN: Everyone always keeps
17 their files in barns.
18 MR. MANNING: Well, I bought the barns
19 to put them in, you know, keep them in one place.
20 MS. MATOIAN: Yeah. That's a good
21 idea especially when you got a lot.
22 MR. MANNING: The cost of ethically
23 destroying files is now getting to be to the
24 point where I think I'm going to get a wire
25 basket to start burning them instead of having

1 somebody come and chop them up.

2 MS. MATOIAN: If it wasn't so time-

3 consuming, you could scan it all and leave it on

4 disks, but that would just take years.

5 MR. MANNING: Too many traffic cases

6 to do that.

7 MS. MATOIAN: Yeah. I think that's --

8 MR. MANNING: I -- you know, did you

9 inherit whatever notes you got from when they

10 made the inquiry before, whenever it was, four,

11 five years ago? This prisoner did -- what did

12 they do with their archive?

13 MS. MATOIAN: I'm getting the Prisoner

14 Legal Services file right now. I'm in the

15 process of getting --

16 MR. MANNING: If I had a file back

17 then, I would have given it to them, so you might

18 want to ask if they've got something from me in

19 that because I -- I can't remember if I was

20 interviewed out of my farm or whether in my

21 office, but if I still had the file, I would have

22 given it to them if I still had it.

23 MS. MATOIAN: Okay. And you think the

24 Center had this case as well, the Center on

25 Actual Innocence?

1 MR. MANNING: I'm trying to remember
2 because I've done six inquiries with them, but
3 they never did anything with them, but they came
4 and spent, you know, hours with me going over
5 issues in those cases, and I just can't remember
6 if this was one of them or not. Probably not
7 because it wasn't a death penalty case.
8 MS. MATOIAN: All right. Well, I will
9 check.
10 MR. MANNING: It must have been -- it
11 was prisoners then, you know, because somebody --
12 I know that I've talked about this with somebody
13 before that was looking into it, so if there is a
14 file, they've got it.
15 MS. MATOIAN: I will check with the
16 Center and Prisoner Legal Services to be sure.
17 Do you remember how old James Blackmon
18 was when you started representing him?
19 MR. MANNING: I think he was older
20 than me, I think. I was 35 or 36 then. I think
21 he was a little older than me, but not by much.
22 May have been 40, I think. I don't know. Just
23 that's the memory of that.
24 MS. MATOIAN: Sure. Well, I think
25 that's all the questions I have. I appreciate

1 you taking out the time to speak with me.
2 MR. MANNING: Well, if you find the
3 reports and stuff, I'll be glad to go over
4 them --
5 MS. MATOIAN: Sure.
6 MR. MANNING: -- and see if that, you
7 know, rings any bells again.
8 MS. MATOIAN: Yeah. I'm going to
9 leave my card with you. If you happen to -- if
10 I've jogged your memory at all and you think of
11 anything else, feel free to give me a call or
12 send me an email.
13 MR. MANNING: Okay. Does he have
14 counsel now?
15 MS. MATOIAN: Well, someone at
16 Prisoner Legal Services I think was looking into
17 his case and --
18 MR. MANNING: Before they -- did they
19 finally just get jerked completely, all gone now,
20 or they still got -- are they still in existence?
21 MS. MATOIAN: I've emailed them in the
22 past couple weeks, so I think they're still
23 there. I don't know how the budget cuts are
24 going to affect them, but I think Beth McNeil
25 there was handling his case and referred it to

1 us, and I think she's still representing him in
2 some capacity. Whether officially, I'm not sure,
3 but --
4 MR. MANNING: Well, call her and ask
5 her to see if I gave her anything out of the
6 file --
7 MS. MATOIAN: Okay.
8 MR. MANNING: -- if there was one.
9 MS. MATOIAN: I will.
10 MR. MANNING: Because I just don't
11 remember.
12 MS. MATOIAN: Yeah.
13 MR. MANNING: Well, I hope you can
14 help him, or you all can help him.
15 MS. MATOIAN: Yeah. We just try to
16 see what the truth is and if it's --
17 MR. MANNING: And if you get the
18 transcript, then I'll be glad to read it and see
19 if that triggers anything because they'll
20 probably remind me about why I was asking the
21 questions the way I was asking.
22 MS. MATOIAN: Yeah. Sure. I'm going
23 to turn this off.
24 (The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 22 pages of this transcript of the recorded interview of Thomas Manning was taken on March 12, 2014, is a true and accurate transcript to the best of my ability.

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

This is the 24th day of August, 2018.

Gloria Veilleux

GLORIA VEILLEUX
Notary Public

THOMAS MANNING 11/1/2018 INTERVIEW EXHIBIT LIST

- Ex.4: RPD Report re: Dorothea Dix Source (In Brief – pg. 227-236).
- Ex. 5: Color photo of Polaroid from Book 12 of RPD file (Handout 31).
- Ex. 9: Blackmon's Statements (In Brief – Pg. 364-485).
- Ex. 12: Defendant-Appellant's Brief (In Brief – pg. 534-559)
- (No exhibit number given): Parole Commission Summary (Handout 37)
- (No exhibit number given): Plea Transcript (In Brief - Pg. 499-500).

Handout 49

REDACTIONS TO HOLDER AND MUNDAY INTERVIEWS – BY ORDER OF JUDGE ANNA MILLS WAGONER

Holder – 10/30/2018

- Pg. 4, line 15 through 25.
- Pg. 5, line 12 – pg. 6, line 11.
- Pg. 6, line 21-23.
- Pg. 110, line 24 through pg. 111, line 13.
- Pg. 112, line 9 – line 16.
- Pg. 116, line 10.
- Pg. 116, line 24 through pg. 117, line 5.

Munday – 11/1/2018

- Pg. 7, line 11.
- Pg. 35, line 8-17.
- Pg. 80, line 21 through Pg. 81, line 4.
- Pg. 82, line 14- pg. 83, line 11.

NORTH CAROLINA
WAKE COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA,

Plaintiff,

vs.

JAMES BLACKMON,

Defendant.

FILE NO. 83 CRS 84695

This is the transcript of the recorded telephone interview taken of James Holder which was conducted by Catherine Matoian from the North Carolina Innocence Inquiry Commission. The recorded interview took place on February 5, 2014.

APPEARANCES:

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

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

2 MS. MATOIAN: Did -- oh, what was I

3 going to say? Oh, well, just -- I do want to

4 just make sure that I explain the Commission to

5 you before I really get into it, that we're a

6 neutral State agency that investigates claims of

7 innocence by people convicted of crimes in North

8 Carolina, so we don't represent Mr. Blackmon and

9 will never represent him. And we're just, you

10 know, we try to just see what we can find, and if

11 there's something there, there's something there,

12 and if there's not, there's not.

13 MR. HOLDER: Okay.

14 MS. MATOIAN: So let's see, so you --

15 I believe from what I can tell from the file that

16 you were not a part of the original investigation

17 in 1979. I think you and Detective Munday got

18 put on it a little bit later.

19 MR. HOLDER: I do remember Munday and

20 I being assigned the case.

21 MS. MATOIAN: Okay.

22 MR. HOLDER: Well, I don't know when,

23 but --

24 MS. MATOIAN: All right. What do --

25 do you remember anything about the latent

1 fingerprints that they found on the bathroom
2 door?
3 MR. HOLDER: No, I do not, Catherine.
4 MS. MATOIAN: Okay. We were trying to
5 -- I was looking through the crime scene photos
6 and there's no clear picture of where exactly the
7 prints were taken or if they were in blood or out
8 of blood, so anything that you remember would be
9 helpful.
10 MR. HOLDER: Yeah. I wish I could be.
11 MS. MATOIAN: All right. Do you know,
12 just to refresh your memory a little bit, Mr.
13 Blackmon became a suspect when a source at
14 Dorothea Dix Hospital contacted our PD and said
15 that somebody at the hospital was claiming to
16 have committed the murder. Do you know who that
17 source was?
18 MR. HOLDER: I do not. I don't
19 recall.
20 MS. MATOIAN: All right. And what can
21 you tell me about the evidence?
22 MR. HOLDER: Well, the evidence in the
23 case, I think it was, you know, he went with
24 Munday and myself. He confessed to it, told us
25 what he did, and took us, I think, it was back to

1 the scene and walked us through the scene and
2 told us, you know, showed us what he did.
3 MS. MATOIAN: Uh-huh. Do you remember
4 the shirt and the knife that had been found
5 during the original investigation?
6 MR. HOLDER: I do not, no.
7 MS. MATOIAN: Okay. We're having a
8 little bit of --
9 MR. HOLDER: Who collected that?
10 MS. MATOIAN: I believe the original
11 detective on the case was a Detective Brinson,
12 and they found the knife in the lobby of the dorm
13 room and they found the shirt with blood on it in
14 the woods outside of the dorm room.
15 MR. HOLDER: Okay.
16 MS. MATOIAN: Do you remember ever
17 picking up or taking it to court or taking it to
18 be tested, anything like that?
19 MR. HOLDER: No, I do not.
20 MS. MATOIAN: Okay.
21 MR. HOLDER: I don't recall if it was
22 tested or anything like that.
23 MS. MATOIAN: Okay. All right. I
24 know early on in your investigation that you were
25 suspicious of the other girls in the dorm room.

1 After you started speaking to Mr. Blackmon and he
2 confessed to you, were you still suspicious of
3 the girls? Do you still think they had anything
4 to do with it or --
5 MR. HOLDER: No. No.
6 MS. MATOIAN: No.
7 MR. HOLDER: Not that I would recall.
8 I'm sure we checked it all out, but no.
9 MS. MATOIAN: Uh-huh.
10 MR. HOLDER: Sorry I'm not much help.
11 MS. MATOIAN: No. I mean, it's, you
12 know, it was, let's see, it's been 30 years since
13 he was convicted, so I understand if you don't --
14 MR. HOLDER: Right.
15 MS. MATOIAN: -- remember much.
16 MR. HOLDER: Yeah.
17 MS. MATOIAN: Or since he was
18 arrested. He wasn't convicted for a few more
19 years.
20 MR. HOLDER: Right.
21 MS. MATOIAN: Let's see. Sorry, I'm
22 just making sure that I think of everything.
23 Just let me check something real quick.
24 Do you still -- I know sometimes
25 detectives when they retire take some of their

1 old case notes with them. Do you have any notes
2 regarding this case?
3 MR. HOLDER: No, I do not, huh-uh.
4 MS. MATOIAN: No notes, okay. Is
5 there anything else that you remember about it
6 that you think would be helpful to me or anything
7 you think I should look at?
8 MR. HOLDER: Catherine, I can't, you
9 know, recall of anything at all.
10 MS. MATOIAN: Okay.
11 MR. HOLDER: Like I say, I know I'm
12 sounding like a dummy --
13 MS. MATOIAN: Not at all.
14 MR. HOLDER: -- but I do know it's not
15 the first time I've been called a dummy, but
16 anyway --
17 MS. MATOIAN: No. I understand.
18 MR. HOLDER: Yeah.
19 MS. MATOIAN: All right. Well, I
20 think that's all the questions I have for now.
21 MR. HOLDER: Okay.
22 MS. MATOIAN: I think -- I spoke to
23 Mr. Munday yesterday and he is -- I think I'm
24 going to set up a time to speak with him next

1 week. His wife's having something done. He
2 wants to help her, so --
3 MR. HOLDER: Okay.
4 MS. MATOIAN: But I appreciate you
5 calling me and taking the time out to speak with
6 me.
7 MR. HOLDER: Sure.
8 MS. MATOIAN: And you do have my
9 number if you do --
10 MR. HOLDER: I do.
11 MS. MATOIAN: -- think of anything
12 while you're thinking about it. Just feel free
13 to call --
14 MR. HOLDER: Well, what is your last
15 name, Catherine?
16 MS. MATOIAN: It's Matoian, M-A-T-O-I-
17 A-N.
18 MR. HOLDER: Matoian.
19 MS. MATOIAN: Uh-huh.
20 MR. HOLDER: Okay.
21 MS. MATOIAN: All right?
22 MR. HOLDER: All right. And again, I
23 apologize for being so -- acting so dumb, but --
24 MS. MATOIAN: Not at all. I
25 appreciate it.

1 MR. HOLDER: -- I'm being honest with
2 you. Okay.
3 MS. MATOIAN: No. I understand. I
4 appreciate it.
5 MR. HOLDER: Okay.
6 MS. MATOIAN: All right. Thanks.
7 MR. HOLDER: Thanks.
8 MS. MATOIAN: Bye.
9 MR. HOLDER: Bye.
10 (The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 8 pages of this transcript of the recorded interview of James Holder was taken on February 5, 2014, is a true and accurate transcript to the best of my ability.

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

This is the 23rd day of August, 2018.

Gloria Veilleux

GLORIA VEILLEUX
Notary Public

NORTH CAROLINA
WAKE COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 83 CRS 84695

STATE OF NORTH CAROLINA,

Petitioner,

vs.

Defendant.

T R A N S C R I P T

Interview of James Holder

This is the transcript of the recorded interview taken of James Holder, which was conducted by Donna "Beth" Tanner, Associate Director, and Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The recorded interview took place on October 30, 2018, at the residence of James Holder.

APPEARANCES:

Donna "Beth" Tanner, Associate Director
Catherine Matoian, Grant Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present:

James Holder

Transcribed by Donna Rowe - ddrsteno@aol.com

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

2 MS. TANNER: Hello.

3 JAMES HOLDER: Hey, how are you?

4 MS. TANNER: I'm well. I'm Beth Tanner.

5 JAMES HOLDER: Hey.

6 MS. TANNER: I'm looking for Mr. Holder.

7 JAMES HOLDER: You got me.

8 MS. TANNER: All right. Do you have just a minute

9 to speak with us?

10 JAMES HOLDER: I do. We just got back.

11 MS. TANNER: Okay.

12 MS. MATOIAN: I just have to grab one thing out of

13 the car. I'll be right back.

14 MS. TANNER: Okay. This is Catee.

15 JAMES HOLDER: Okay.

16 MS. TANNER: Do you mind if I come in?

17 JAMES HOLDER: No, uh-uh.

18 MS. TANNER: Okay. Thank you so much.

19 JAMES HOLDER: Just have a seat right there. We

20 got --

21 MS. TANNER: Okay.

22 JAMES HOLDER: -- some pictures and stuff.

23 MS. TANNER: Here? Is this good?

24 JAMES HOLDER: Yeah, that's good.

25 Let me finish grabbing my hotdog. We just --

MS. TANNER: Oh, I'm so sorry.

JAMES HOLDER: We just got home. I just got your card.

MS. TANNER: I can certainly come back at a better time if you need me to do that.

JAMES HOLDER: Well, we need to keep from running around and around and around.

MS. TANNER: Sure.

JAMES HOLDER: My wife is back here.

MS. TANNER: Okay. Well, take your time, please. I can sit outside if you want me to or...

JAMES HOLDER: We just got in.

MS. TANNER: Now, where do you get your hotdogs from?

JAMES HOLDER: From the Chargrill.

MS. TANNER: Yum.

JAMES HOLDER: From the --

MS. TANNER: It's one of my --

JAMES HOLDER: -- Chargrill.

MS. TANNER: -- favorite places, yeah.

JAMES HOLDER: And we -- I'm going to let your friend in, too.

MS. TANNER: Oh, yeah.

JAMES HOLDER: Hey, come on in.

MS. MATOIAN: Sorry.

JAMES HOLDER: No, uh-uh. I'm sorry the living room is a mess. My wife is in the back.

MS. TANNER: No, you're fine. We'll wait.

JAMES HOLDER: I'm going to take one more bite of my hotdog and I --

MS. TANNER: Oh, take your time. Listen, take your time. I'm sorry, we're -- we're just catching people when we can find them.

MS. MATOIAN: Do you have the picture?

MS. TANNER: Yeah.

MS. MATOIAN: Okay.

MS. TANNER: (Inaudible.) Can you believe I have now misplaced all two of my pens. Because that's how I do.

He's finishing his hotdog.

[redacted]

MS. TANNER: Okay.

MS. MATOIAN: Would you like to -- I can sit on the couch.

JAMES HOLDER: No, no, no.

MS. MATOIAN: Are you sure?

JAMES HOLDER: I can sit over here.

MS. MATOIAN: Okay.

MS. TANNER: Oh, yeah. Or we can sit at the table if that -- if that works for you.

JAMES HOLDER: No.

MS. TANNER: Okay.

[redacted]

1 [redacted]
2 [redacted]
3 [redacted]
4 [redacted]
5 [redacted]
6 [redacted]
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 MS. TANNER: Well, if you need -- we just have --
13 we have some questions for you about this Blackmon case. I
14 know you may have talked to us before.
15 JAMES HOLDER: I talked to somebody. I think --
16 MS. TANNER: You did.
17 MS. MATOIAN: It was probably about three or four
18 years ago, yeah.
19 JAMES HOLDER: Yeah. It was a long time ago.
20 MS. MATOIAN: Yeah, it was.
21 [redacted]
22 [redacted]
23 [redacted]
24 JAMES HOLDER: Why don't we go ahead and, you
25 know --

1 MS. TANNER: Talk about it.

2 JAMES HOLDER: -- if you have questions, yeah, and

3 see what --

4 MS. TANNER: So let me tell you a little bit. I

5 know you talked to Catee, so just to kind of refresh you a

6 little bit. What -- we are a state agency. And what we are

7 charged with doing by the legislature is a neutral

8 investigation of postconvention claims of innocence. So

9 essentially what that means is we don't formulate any

10 opinions about someone's innocence.

11 JAMES HOLDER: Sure.

12 MS. TANNER: We are looking to see all of the

13 facts. So what we say a lot times is we do the good, bad

14 and the ugly. We're just -- we're just looking.

15 And what has happened in this case is that an

16 individual, James Blackmon, who was convicted of a murder

17 that happened in 1979 has applied to our agency and says

18 that he is innocent of the crime.

19 What is required is that we have some sort of new

20 evidence of innocence. And so I will tell you in this case,

21 that exists. And so, however, having said that, once we

22 find that, what the Commission actually -- we're just the

23 investigators. We just work. You know, we're attorneys and

24 we just go do the work of it, but then we present the case

25 to the commissioners. And what the commissioners consider

1 is not just the new, but all of the relevant evidence,
2 right. Because you need to consider the entirety of the
3 case to understand how that new matters, whether it matters,
4 you know what I mean and --
5 JAMES HOLDER: Sure.
6 MS. TANNER: -- and whether it has a bearing on
7 innocence.
8 At the Commission hearing, the only question is
9 whether or not there is sufficient evidence of innocence to
10 merit judicial review. So the commissioners aren't even
11 really deciding if he's innocent or not.
12 JAMES HOLDER: Sure.
13 MS. TANNER: That it goes to a three-judge panel.
14 This is not an appeal's process. It's separate than that.
15 The decisions of the Commission are final; they are not
16 appealable. So it's kind of a unique thing that got started
17 about 2006 is when the legislation passed. So that's kind
18 of why we're here.
19 JAMES HOLDER: Okay.
20 MS. TANNER: So this case with Mr. Blackmon -- and
21 you were an investigator on the case, so that's why we're
22 here talking to you -- it is going to a hearing in a couple
23 of weeks. And in looking at the case -- I know we talked to
24 you early on some years ago, but in looking at some of the
25 other things in the case, there were a few other questions

1 that we had.

2 Now, what I'll tell you is, I have questions here.

3 I have some documents here. But in the car, I have the

4 entire police file. This is not a trick. This has been

5 some years ago, right?

6 JAMES HOLDER: Yeah.

7 MS. TANNER: So if at some point in this interview

8 or if you even feel like that now, you're like, hey, I'd

9 really like to have access to the file, we have the file,

10 the police file. You can look at it; you can have access to

11 it. Anything that, you know, you feel like you. You may

12 say, like, no, I don't need that. But we're -- we're here

13 to kind of get these answers --

14 JAMES HOLDER: Sure.

15 MS. TANNER: -- from you --

16 JAMES HOLDER: Sure.

17 SPEAKER-01: -- whatever, you know, so we're going

18 to give you the time to do that --

19 JAMES HOLDER: Sure.

20 MS. TANNER: -- okay?

21 If we find that, hey, listen, we need to

22 reschedule that, we can make an appointment for that and

23 I'll have the file there, too, okay --

24 JAMES HOLDER: Okay.

25 MS. TANNER: -- so we can ask those questions.

1 What I want to start with is though -- I think
2 what I'd like to start talking to you about, if you have a
3 few minutes, is just, A, do you remember the name James
4 Blackmon at all?
5 JAMES HOLDER: I do --
6 MS. TANNER: Okay.
7 JAMES HOLDER: -- remember the name --
8 MS. TANNER: Okay.
9 JAMES HOLDER: And I think -- who did I work --
10 work on the case with?
11 MS. TANNER: Munday.
12 MS. MATOIAN: Munday.
13 JAMES HOLDER: A.C -- A.C. Munday?
14 MS. MATOIAN: Yes.
15 MS. TANNER: Uh-huh.
16 JAMES HOLDER: Okay. All right.
17 MS. TANNER: We'll hopefully be talking to him
18 later.
19 JAMES HOLDER: I think -- let me see. Who was the
20 attorney for the defendant?
21 MS. TANNER: Mr. Blackmon, the initial
22 attorney was --
23 MS. MATOIAN: Thomas Manning.
24 MS. TANNER: Yeah.
25 JAMES HOLDER: Thomas Manning.

1 MS. TANNER: And it was Thomas Manning who --
2 JAMES HOLDER: That's right. Yeah. I thought --
3 well, yeah. Because I remember -- I think -- didn't we
4 record the conversation or something?
5 MS. TANNER: Some of then, yeah, you did. So I do
6 have some questions about that. And I actually have some of
7 that here.
8 JAMES HOLDER: Okay.
9 MS. TANNER: Let me back you up a little bit.
10 JAMES HOLDER: And I don't remember a lot.
11 MS. TANNER: Right. Some of the questions --
12 JAMES HOLDER: But I did --
13 MS. TANNER: Oh, go ahead.
14 JAMES HOLDER: But I remember his name.
15 MS. TANNER: You remember his name?
16 JAMES HOLDER: I think so.
17 MS. TANNER: The victim in this case -- I don't
18 know if this helps you at all -- was a young lady who was a
19 student at Saint Augustine's -- Augustine's I think is maybe
20 how you say it -- College. And the crime -- the crime
21 occurred in the dorm, the women's dorm there on the sixth
22 floor. It was Latham Hall, which is now a mixed like -- a
23 men's dorm actually maybe now.
24 MS. MATOIAN: Uh-huh.
25 MS. TANNER: But at the time it was an all female

1 dorm. And so initially what we had was in looking at the
2 police file, that happened in 1979, and the first document
3 that we have in the file where your name or Mr. Munday's
4 name appears is actually in like '82. So it's kind of like
5 there wasn't -- you know what I mean, there wasn't any
6 suspect at the beginning that kind of panned out --
7 JAMES HOLDER: Right.
8 MS. TANNER: -- but then later down the road there
9 was a major crimes task force that came in.
10 JAMES HOLDER: Okay. That makes sense.
11 THE WITNESS: Okay. So can you tell me why that
12 makes sense because I'm trying to figure out a little bit
13 how that happens.
14 JAMES HOLDER: Apparently, the major crimes task
15 force was a unit that looked at all major crimes.
16 MS. TANNER: Okay.
17 JAMES HOLDER: They came to us from other
18 investigators or we -- I'm surprised -- who got it -- who
19 got the call initially?
20 MS. MATOIAN: Brinson.
21 MS. TANNER: Yeah. Detective Brinson.
22 JAMES HOLDER: Okay. Well, normally, they -- they
23 are referred to -- to the major crimes task force unit.
24 If -- because Brinson, he probably responded to the
25 case and --

1 MS. TANNER: Uh-huh.
2 JAMES HOLDER: Okay. Yeah. And we got the
3 referral from -- from that file.
4 MS. TANNER: Okay. Were you on the major crimes
5 task force?
6 JAMES HOLDER: Uh-huh. Yeah.
7 MS. TANNER: Okay. And also how about Mr. Munday?
8 JAMES HOLDER: Yeah.
9 MS. TANNER: Okay.
10 JAMES HOLDER: That's the reason I was asking.
11 Munday, me and Munday were both on the -- on the major
12 crimes task force. Because I think the task force consisted
13 of -- I don't know -- maybe six or seven investigators.
14 MS. TANNER: Okay. That makes sense. I actually
15 have here -- hang on a second -- that first --
16 JAMES HOLDER: It makes up -- yeah.
17 MS. TANNER: There it is. So I have here -- so
18 essentially what it looks like is -- let me pull this --
19 yeah. So here is -- so here is the first time. There's
20 like an investigative report -- and I'll give this to you so
21 you can look at it -- where it talks about the major crimes
22 task force just coming in and they like go back to the
23 scene. There's like a meeting about what happened, like,
24 you know, may be steps forward.
25 JAMES HOLDER: Okay.

1 MS. TANNER: I have a note -- there was a note in
2 the file, right, Catee, about --
3 MS. MATOIAN: About what?
4 MS. TANNER: There was a note in the file right
5 before the major crimes -- so essentially there was a note
6 in the file right before the major crimes task force that
7 was like -- basically like, hey, there aren't --
8 MS. MATOIAN: There were no leads.
9 MS. TANNER: -- there were no leads in the case.
10 And then the next thing that happens in the case, so far as
11 I can see, is this major crimes task force like meeting,
12 going to the crime scene, that kind of thing.
13 JAMES HOLDER: Okay.
14 MS. TANNER: Would that have been consistent with
15 your practice or your recollection of what you did there?
16 JAMES HOLDER: Yeah, pretty much. I guess if the
17 case happened and it didn't go anywhere, sort of dead end, I
18 think then it makes sense that they would assigned it
19 over --
20 MS. TANNER: Okay.
21 JAMES HOLDER: -- to the major crime task force.
22 MS. TANNER: Okay. And so I'm just going to just
23 say this so that we're are clear on this that this is
24 Exhibit 1 that I've shown you, which is the major crimes
25 task force investigative note.

1 (Exhibit Number 1 was marked.)
2 MS. TANNER: Can you tell me little bit -- oh, go
3 ahead.
4 JAMES HOLDER: Go ahead.
5 MS. TANNER: Can you tell me a little bit about
6 just kind of how long back -- and so this -- this was in
7 1980s, right? So how long had you been a police officer by
8 the 1980s?
9 JAMES HOLDER: I came -- went on the police
10 department in 19- -- shoot, I don't even remember now --
11 '62, '63.
12 MS. TANNER: Okay. Wow. How did you start? Did
13 you start with RPD?
14 JAMES HOLDER: Yeah.
15 MS. TANNER: Okay. And were -- was there ever a
16 time where you worked for a department other than RPD?
17 JAMES HOLDER: Yeah. I worked for -- of course I
18 started out on the street.
19 MS. TANNER: Okay.
20 JAMES HOLDER: You know, and get your time spent
21 there.
22 MS. TANNER: Right.
23 JAMES HOLDER: And then I spent time in the
24 identification division.
25 MS. TANNER: Okay.

1 JAMES HOLDER: And I dealt with fingerprints and
2 things of that nature.
3 MS. TANNER: Okay.
4 JAMES HOLDER: And then I went from there to the
5 investigating division.
6 MS. TANNER: Okay. Is that where you were a part
7 of the major crimes task force?
8 JAMES HOLDER: Yes.
9 MS. TANNER: Okay. Were those two things separate
10 or where they together, you were the investigative --
11 JAMES HOLDER: Yeah.
12 MS. TANNER: -- division?
13 JAMES HOLDER: Well, identification division.
14 MS. TANNER: Was --
15 JAMES HOLDER: I dealt with fingerprints and stuff
16 like that.
17 MS. TANNER: Okay. But the investigative division
18 was the major crimes task force --
19 JAMES HOLDER: Yeah.
20 MS. TANNER: -- that was at the same time?
21 JAMES HOLDER: Right.
22 MS. TANNER: Okay. And then so I'm --
23 JAMES HOLDER: And I'm --
24 MS. TANNER: Oh, go ahead. Sorry.
25 JAMES HOLDER: And I'm not really sure -- I don't

1 remember the process before going to the investigative. I
2 might have went to investigative division working just
3 regular cases and then --
4 MS. TANNER: Okay.
5 JAMES HOLDER: -- was promoted to the -- or went
6 over to the major crimes task force unit --
7 MS. TANNER: Okay.
8 JAMES HOLDER: -- from there, you know. Because
9 that was -- that was a different division all in itself. It
10 had a captain and lieutenant and then investigators.
11 MS. TANNER: Okay.
12 JAMES HOLDER: And, you know, a lot of what you
13 were seeing were, I think, there was when you went over to
14 the major crimes unit, they were like a -- they had a
15 meeting about the unsolved case.
16 MS. TANNER: Okay. So how did a case get referred
17 to the major crimes task force?
18 JAMES HOLDER: You know, I don't know where they
19 came from. I know our cases were assigned by -- by a
20 supervisor, a lieutenant or --
21 MS. TANNER: Okay.
22 JAMES HOLDER: -- something like that.
23 MS. TANNER: Okay.
24 JAMES HOLDER: Because we were just -- not like
25 you guys, you were out in the field and, you know, it

1 came -- you know, it would be assigned to you. And
2 basically, we didn't go looking for it. Some -- the cases
3 were assigned out to different investigators in major crime
4 task force, where we had no control, you know, over that.
5 MS. TANNER: That makes since. Okay.
6 (Cell phone rings.)
7 MS. TANNER: I'm so sorry about that. I was
8 waiting for your call, so my phone is on loud.
9 Okay. When you first started at RPD, can you tell
10 me a little bit about the training you got when you
11 initially started and then whether you got training as you
12 move through to the different places?
13 JAMES HOLDER: We got training if we went through
14 the different -- different steps.
15 MS. TANNER: Okay.
16 JAMES HOLDER: Like in the identification
17 division, I did a lot of fingerprint searching and stuff
18 like that inside a lot. You know, we didn't have at that
19 time, you know, the automated fingerprint network system,
20 all that. We didn't have all that. So we -- we actually
21 were given -- were called to review fingerprints and stuff
22 like that that were taken at the crime scene and given to
23 us. So I received training in that field.
24 And then, you know, some of the -- the evidence
25 that then -- we actually went and -- to crime scenes that

1 were prior to -- well, it -- it was the City County
2 Identification Bureau.
3 MS. MATOIAN: I was going to ask was it CCBI.
4 JAMES HOLDER: Sure.
5 MS. TANNER: Yeah.
6 MS. MATOIAN: If they were doing -- yeah.
7 JAMES HOLDER: Yeah, it was. It was on a much
8 smaller scale then.
9 MS. MATOIAN: Okay.
10 JAMES HOLDER: And, you know, we'd actually work
11 break-ins and everything else, you know. And then
12 fingerprints that were collected from -- from that, we did
13 searches. I spent quite a -- quite a bit of time at the
14 Institute of Government, Chapel Hill, and different places,
15 you know, being trained for fingerprint --
16 MS. TANNER: Okay.
17 JAMES HOLDER: -- you know, this type thing.
18 MS. TANNER: Now, let me ask you a -- a question
19 that's similar but specific to documentation. In the 19- --
20 late 1970s, early 1980s, were there any specific policies
21 or training related to documentation during an
22 investigation?
23 JAMES HOLDER: Any training for document?
24 MS. TANNER: Uh-huh.
25 JAMES HOLDER: Yeah. We -- that's the reason I --

1 you know, I think they recorded conversations that came
2 about was that. Because if I'm not mistaken, we started --
3 yeah, we started using recorders because we would submit the
4 recording conversations --
5 MS. TANNER: Uh-huh.
6 JAMES HOLDER: -- that I guess y'all got copies
7 of.
8 MS. TANNER: Uh-huh.
9 JAMES HOLDER: So the recording conversations that
10 we have when we were working the case in major crimes, we
11 were not all -- well, yeah, the entire investigative
12 division back at that time, I believe, could submit -- we
13 submitted the tape of our investigation conversation,
14 interview conversations and stuff like that. We did all
15 that and then submitted the recordings to a -- I guess like
16 a typing pool, you know, they would type up. And then it
17 would be sent back to us. We would read it and listen to
18 the recordings to see if they were, you know, correct.
19 MS. TANNER: We have a similar process.
20 JAMES HOLDER: Am I making sense?
21 MS. MATOIAN: Yeah.
22 MS. TANNER: Yeah. We have a similar process at
23 our office actually.
24 JAMES HOLDER: And so, we -- yeah, y'all do it on
25 a computer now. But back then, you know, we had -- had -- I

1 forgot how many. It was several people who -- it was a
2 pretty good size operation that -- they did I think the
3 entire investigative division, I believe, not -- not just
4 us.
5 MS. TANNER: Right. Okay. When you were -- in
6 taping -- I want to ask generally and then I do have some
7 things from Mr. Blackmon's case. But generally, when you
8 were recording interviews was your equipment that you were
9 recording interviews mobile?
10 JAMES HOLDER: Yes.
11 MS. TANNER: Okay. So you went out into the field
12 with an individual, you were out in the field, were talking
13 with witnesses or with a suspect or anything, was it a
14 practice to record those interactions as well or only the
15 interactions that might happen like in your office or at
16 your unit?
17 JAMES HOLDER: We used -- we used them in the
18 field. That's what they were for.
19 MS. TANNER: Okay.
20 JAMES HOLDER: Yeah.
21 MS. TANNER: Was there ever -- would there ever
22 have been a reason in general that a recording of a
23 particular interaction might not happen?
24 JAMES HOLDER: I guess it could be. I mean, it
25 could be a misfunction. It could be your batteries running

1 low. Because I've run into that, when your battery runs low
2 with the -- rah, rah, rah.
3 MS. TANNER: Yes. Yeah.
4 JAMES HOLDER: You know, you just --
5 MS. TANNER: Okay.
6 JAMES HOLDER: That kind of thing.
7 MS. TANNER: Right.
8 JAMES HOLDER: But, yeah, the investigators, we
9 had the recorders.
10 MS. TANNER: Okay.
11 JAMES HOLDER: But they were all operated by
12 battery.
13 MS. TANNER: Okay. Now, I want to ask you a
14 little bit -- a question about -- I know how the -- that
15 make sense about the -- the transcription essentially of the
16 interviews. Did you also create -- and I saw some in the
17 file -- like reports related to the interactions that you
18 might have with witnesses or suspects?
19 JAMES HOLDER: You could.
20 MS. TANNER: Okay.
21 JAMES HOLDER: It's possible.
22 MS. TANNER: Okay. One of the things that
23 happens -- that is occurring in this case is that there are
24 some times where there is an indication of a contact with
25 Mr. Blackmon either through his medical records -- he was in

1 -- I'll just tell you, he was at the Dorothea Dix at the
2 time -- of some of these interactions. So there's like a
3 notation in the medical record or there might be an
4 indication from another witness, but there's not a
5 corresponding report or recording in the file. Were there
6 like times that you might interact with a suspect that
7 wouldn't be recorded?
8 JAMES HOLDER: Were there times --
9 MS. TANNER: Uh-huh.
10 JAMES HOLDER: -- that you might interact with a
11 suspect that -- sure there was.
12 MS. TANNER: Okay. Were there --
13 JAMES HOLDER: Just like you and I talking, if you
14 were a suspect, you know, we would talk. It would be, you
15 know -- not every contact with a suspect would be recorded.
16 I would think. I mean, I know that's just -- in fact, if a
17 suspect and so forth was brought in or something --
18 MS. TANNER: Okay.
19 JAMES HOLDER: -- you know, by us or as a suspect,
20 per se, instead of just no evidence or anything, you know,
21 we wouldn't record it. I don't think -- no, we wouldn't.
22 If I was just -- if I had an interaction with a suspect, I
23 may or may not. But I would -- I would probably -- if I had
24 the suspect -- if I'm making sense -- just meeting up with
25 the suspect talking to him or something --

1 MS. TANNER: Sure.
2 JAMES HOLDER: -- that might not be recorded,
3 but --
4 MS. TANNER: Okay.
5 JAMES HOLDER: I mean it's just -- what you're
6 asking if everything -- every time we had a -- talked with
7 Mr. Blackmon it was recorded.
8 MS. TANNER: Right.
9 JAMES HOLDER: With him it was pretty much -- I
10 would say it was pretty much most of the time we met
11 with him it would be recorded, but possibly not.
12 MS. TANNER: Okay.
13 JAMES HOLDER: I mean there's certainly that
14 probability.
15 MS. TANNER: Right. Okay. And this --
16 JAMES HOLDER: And --
17 MS. TANNER: -- is helpful to understand like what
18 your practices were.
19 JAMES HOLDER: And I'm trying to figure out in my
20 mind, because it's been so doggone long.
21 MS. TANNER: Sure.
22 JAMES HOLDER: But my notes and everything that I,
23 you know, told you, I -- I stand by. I just don't -- don't
24 remember.
25 MS. TANNER: Sure. Yeah, no. I want to back up a

1 little bit and talk to you -- so understanding that this
2 happened, you know, many, many years ago --
3 JAMES HOLDER: Yeah, yeah.
4 MS. TANNER: -- it's also helpful for us a little
5 bit to sometimes understand like this was my practice or
6 this is what I typically did, especially if maybe we don't
7 remember like the exact detail of this particular case. So
8 I do want to ask you a little bit about -- and I'm just kind
9 of learning this now. What in your mind when you were a
10 police officer -- and we'll go back to the '80s -- was the
11 difference between a suspect and a witness? So maybe in a
12 better way to ask that would be at what point does someone
13 become a suspect in your investigation?
14 JAMES HOLDER: I guess it would be -- like you
15 say, we had all these facts or conversations from previous
16 recordings.
17 MS. TANNER: Okay.
18 JAMES HOLDER: And then as they made their way to
19 us -- and then what would really -- most of the time a
20 suspect that -- if they were just -- appeared in the report.
21 Or even if they didn't, maybe -- maybe somebody was picked
22 up. And because they were picked up in the area or
23 something, they could become, not a suspect, but a person of
24 interest as you look at the entire picture.
25 MS. TANNER: Okay.

1 JAMES HOLDER: And then through that person of
2 interest and talking with them, it could, you know,
3 development into a suspect. I mean because not everybody
4 you talk to is a suspect. They're really just a person of
5 interest that happens to -- to -- to surface, so...
6 MS. TANNER: Is there a difference in the way you
7 question a suspect versus the way you question someone who
8 is either just a witness or not yet a suspect?
9 JAMES HOLDER: I treated everybody the same. I
10 talked with them with respect.
11 MS. TANNER: Okay.
12 JAMES HOLDER: I was always nice to them.
13 MS. TANNER: Sure. Yeah. Of course.
14 JAMES HOLDER: Polite to them. Never belligerent,
15 never, you know, accusing of anything.
16 MS. TANNER: Okay.
17 JAMES HOLDER: And then I'd take that and then I'd
18 go forward with what they told me. And I treated all pretty
19 much the same because sometimes your witness turns out to be
20 the person that you needed to talk to a long time ago.
21 MS. TANNER: Right. Of course.
22 JAMES HOLDER: But no, I didn't, no.
23 MS. TANNER: Okay. Was there any training
24 specific that you received in the 1970s or '80s related
25 to interrogation of suspects?

1 JAMES HOLDER: Yeah. We -- we attended several
2 training classes. You know, doing investigative techniques,
3 body language and stuff like that. You know, just --
4 MS. TANNER: Was there a specific -- I just don't
5 know, but was there a specific technique that -- that you
6 were learning at that time as how to manage suspects?
7 JAMES HOLDER: I think my -- my approach to people
8 had a lot to do with the way I was brought up.
9 SPEAKER-01: Okay.
10 JAMES HOLDER: And my approach was to treat people
11 as human beings and to listen to what they had to say. And
12 that's what -- that's the way I -- you know, I always
13 operated, even though I could actually tell by, you know,
14 different things. If I were doing an interview, you know,
15 people are different. People break out in sweats, tremors,
16 they'll lie to you to start. And if you've really done your
17 homework, you can tell whether they're lying to you are not.
18 And then of course, you know, there again, you just let them
19 know that you're there for one thing and that's the truth
20 and let it go.
21 MS. TANNER: Okay.
22 JAMES HOLDER: Because, you know, it's just -- I
23 never used -- even though the techniques were helpful, I
24 never -- I always was sort of a calming type person. I was
25 not really aggressive at all.

1 MS. TANNER: When you say "if you did your
2 homework," what -- what kind of homework would you do -- was
3 it your practice to do in preparation for talking with let's
4 say a suspect in a case?
5 JAMES HOLDER: Well, I'm not talking about a
6 suspect, per se --
7 MS. TANNER: Right.
8 JAMES HOLDER: -- but I'm talking about if you
9 talk with someone that tells you something that matches up
10 or doesn't match up or know they're lying and then they come
11 back and tell you something else.
12 MS. TANNER: So doing your investigative work --
13 JAMES HOLDER: Yeah.
14 MS. TANNER: -- a good job with that?
15 JAMES HOLDER: Yeah.
16 MS. TANNER: Okay. I also have a general question
17 about the practices that you had in the late '70s and
18 early '80s as it related to lineups. So photo lineups,
19 in-person lineups. Were there any guidelines that you used,
20 either written policies or practices, related to the use of
21 lineups in a case?
22 JAMES HOLDER: If there were, I didn't do -- I
23 don't know. I don't remember doing -- most of the time they
24 were -- they were done by someone else. We didn't get
25 directly involved in the lineups.

1 MS. TANNER: Okay.
2 JAMES HOLDER: If that -- because, you know, they
3 would get out. And I think there was a -- I don't know.
4 No, but I didn't handle many -- many lineups even though
5 they were training in that area, you know. No, I just don't
6 remember doing -- really I don't remember doing any --
7 MS. TANNER: Okay.
8 JAMES HOLDER: -- any lineup, per se.
9 MS. TANNER: Okay. How about showing photographs
10 to witnesses, was that part of your practice?
11 JAMES HOLDER: It could -- it could be.
12 MS. TANNER: Okay.
13 JAMES HOLDER: It could be.
14 MS. TANNER: Do you ever recall doing any lineups,
15 either in this case or in general, at Central Prison?
16 JAMES HOLDER: There again, I don't know.
17 MS. TANNER: Okay.
18 JAMES HOLDER: I don't know.
19 MS. TANNER: And I know I've asked you about you,
20 so I'm going to ask that question just a little bit
21 differently. Do you ever remember it being the practice at
22 RPD in the '70s or '80s to conduct lineups at CP,
23 Central Prison?
24 JAMES HOLDER: There could have been. I -- I
25 don't -- I don't remember any right now. I mean I just -- I

1 don't do it. But, yeah, it could be.
2 MS. TANNER: Okay.
3 JAMES HOLDER: It's possible.
4 MS. TANNER: Okay. When you were working with --
5 on a case and you had a suspect, was it part of your
6 practice to take a suspect to get food or a haircut or for
7 errands or anything like that?
8 JAMES HOLDER: My practice?
9 MS. TANNER: Uh-huh.
10 JAMES HOLDER: It was not my practice, no.
11 MS. TANNER: Okay.
12 JAMES HOLDER: But I have -- I have provided, not
13 a haircut, nothing like that, but food, you know, or
14 something if -- if they were hungry and they were with us
15 for a period of time.
16 MS. TANNER: Uh-huh.
17 JAMES HOLDER: But, yeah, I could -- you know, I
18 would buy somebody if -- if I were going out and you were a
19 suspect with me and I was hungry, I certainly wouldn't go
20 without offering you something --
21 MS. TANNER: Okay.
22 JAMES HOLDER: -- as well.
23 MS. TANNER: Okay.
24 JAMES HOLDER: Because I have -- I have done fed
25 them in the past.

1 MS. TANNER: Okay.
2 JAMES HOLDER: I don't know whether I did it in
3 this case or not. I couldn't tell you.
4 MS. TANNER: Okay. Do you -- in this case -- and
5 I'm sorry, I know these are a lot of questions about your
6 general practice, but it's actually really helping me to
7 kind of narrow some of the issues.
8 When you are a police officer in the late '70s
9 and early '80s, did you have any special practices or
10 guidelines relating to patients at Dorothea Dix Hospital who
11 might have been witnesses or suspects in a case?
12 JAMES HOLDER: Did I do what now? Did I --
13 MS. TANNER: Did you have any special guidelines
14 or practices as it might relate to a person who was at Dix?
15 JAMES HOLDER: You know, and I -- again, I don't
16 know in -- in this case, but you know, Dorothy Dix Hospital
17 had a police department.
18 MS. TANNER: Okay.
19 JAMES HOLDER: And they had a police --
20 MS. TANNER: I didn't know that.
21 JAMES HOLDER: -- chief.
22 MS. TANNER: I actually didn't know that.
23 JAMES HOLDER: No?
24 MS. TANNER: I didn't know that.
25 JAMES HOLDER: You learned something.

1 MS. TANNER: I did. I've learned a lot actually.
2 JAMES HOLDER: That's -- that's how old I am.
3 MS. MATOIAN: We are always learning so many
4 things.
5 MS. TANNER: Absolutely. Okay. So they had a
6 police department and a police chief. And what -- was
7 there --
8 JAMES HOLDER: I mean it wasn't a heavily manned
9 police department.
10 MS. TANNER: Of course.
11 JAMES HOLDER: But this was at Dorothea Dix when
12 they were handling lots of people.
13 MS. TANNER: Yeah.
14 MS. MATOIAN: Uh-huh.
15 JAMES HOLDER: So, yeah, they had -- they had a
16 chief and I think they had an assistant -- you know, these
17 smaller --
18 MS. TANNER: Wow, okay.
19 JAMES HOLDER: -- departments like that.
20 MS. TANNER: Okay. So I'm going to --
21 JAMES HOLDER: And I think they were more security
22 for the grounds, you know, for Dorothea Dix. Because
23 they -- they were so big. That campus was tremendous.
24 MS. TANNER: Right. Yeah, it was. So --
25 JAMES HOLDER: Because they were housing people

1 from all over.

2 MS. TANNER: Right. Right. When you would have a

3 -- when someone at Dix, a patient at Dix, was somehow

4 involved in one of your investigations, would you interact

5 with that police department first to get to that patient or

6 would you just go directly to the patient or the hospital

7 staff or whoever?

8 JAMES HOLDER: If we were working a case and the

9 name would come up, normally we would go to the police

10 department up there because we couldn't -- we can't go in

11 those areas --

12 MS. TANNER: Right.

13 JAMES HOLDER: -- you know. So -- and we would

14 probably have -- would have contacted, I guess, the police

15 department.

16 MS. TANNER: Up there?

17 JAMES HOLDER: Yeah.

18 MS. TANNER: Okay.

19 JAMES HOLDER: Before we start because that's

20 their property. That's their -- we wouldn't know how to go

21 get around or do anything.

22 MS. TANNER: Uh-huh. Do we have that piece on

23 Mr. Blackmon, the SBI report?

24 MS. MATOIAN: It should be in there.

25 MS. TANNER: Where I can't find that? Let me find

1 that.

2 MS. MATOIAN: Do you see it?

3 MS. TANNER: Yeah. Hang on a second. I'm going

4 to grab these things out.

5 Okay. I'm going to let her look for this file

6 because it -- so I can tell you in this case -- and I'll

7 find this report so I can show it to you for sure.

8 JAMES HOLDER: Okay.

9 MS. TANNER: But essentially Mr. Blackmon's name

10 starts coming up related to information from a confidential

11 source or a source who we just don't know who that source

12 is, but from a source. And so that's why I'm a little bit

13 interested in how -- you know, how does that interaction --

14 what was your practice and how that interaction worked. But

15 as soon as we -- did you find that?

16 MS. MATOIAN: About the confidential sources?

17 MS. TANNER: Uh-huh.

18 MS. MATOIAN: I don't thing we pulled that.

19 MS. TANNER: Okay. Maybe if you want to pull

20 that.

21 MS. MATOIAN: I'll pull that.

22 MS. TANNER: Yeah. We'll pull that really quick.

23 Let me ask you a different question though as to this. And

24 I'm going to show you this. So I'm going to show you -- and

25 I -- the only reason I'm marking these is only so I can keep

1 up with it when we go back to the tape. So I'm going to put
2 this as Exhibit 2.
3 (Exhibit Number 2 was marked.)
4 MS. TANNER: What this is is a court order for
5 records from Dorothea Dix. Let me show you this and give
6 you a second to look at that. And then I'm going to show
7 you the report related to getting those.
8 (The witness reviews the documents.)
9 JAMES HOLDER: Yeah, that's my writing down there.
10 Yeah, I that's --
11 MS. TANNER: That's your handwriting at the bottom
12 of Exhibit 2?
13 JAMES HOLDER: Yeah. At the bottom, yeah.
14 MS. TANNER: Okay.
15 JAMES HOLDER: Yeah.
16 MS. TANNER: And then this is a report. I'm going
17 to label it Exhibit 3 -- that is essentially the police
18 report about receiving those records.
19 (Exhibit Number 3 was marked.)
20 JAMES HOLDER: Yeah. I guess they would all be.
21 Yeah, I mean --
22 MS. TANNER: Okay.
23 JAMES HOLDER: -- I stand by -- by whatever is
24 there.
25 MS. TANNER: Yeah, yeah, yeah. What was -- so let

1 me back up again to your practices.
2 What was your practice as it related to going and
3 getting either medical records or mental health records
4 related to a person of interest in a case?
5 JAMES HOLDER: Well, basically, we went through
6 their --
7 MS. TANNER: Okay.
8 JAMES HOLDER: -- same procedure.
9 MS. TANNER: Okay. Was that routine?
10 JAMES HOLDER: Yeah.
11 MS. TANNER: Okay. And why would you go and get
12 medical or mental health records for a person of interest in
13 a case?
14 JAMES HOLDER: Why would we?
15 THE WITNESS: Uh-huh.
16 JAMES HOLDER: Well, if the information received
17 we thought would be pertinent to that case, we would see if
18 we could go the route that we went in this case.
19 MS. TANNER: Okay. Was there a particular -- so
20 is that something that in your practice you would do before
21 talking to a suspect, after, or did it vary?
22 JAMES HOLDER: It varies.
23 MS. TANNER: Okay.
24 JAMES HOLDER: Anytime, I mean --
25 MS. TANNER: I do have a question about this. On

1 Exhibit 3 at the bottom, it says, "Special copies of pages
2 that were flagged in the two volumes of medical history will
3 be on file with this case."
4 My question -- let me first give you a piece of
5 information about this. We do not have a complete record of
6 the -- that Dorothea Dix medical records because Dorothea
7 Dix doesn't have those records anywhere, right. And in the
8 police file that we have, it is clear that the records, to
9 me, are just not complete because they'll be like -- you
10 know, they'll be checking on him like every day, and then
11 all of a sudden we know he's admitted during a period of
12 time, but those weeks just won't exist.
13 Do you recall what your practice or if you can
14 recall what Mr. Munday's practice would have been as it
15 relates to what medical records were put in the file?
16 JAMES HOLDER: I couldn't tell you.
17 MS. TANNER: Okay.
18 JAMES HOLDER: I'm sorry.
19 MS. TANNER: No, that's okay. I think that's
20 fine. I'm going to give this back to you and let you read
21 that bottom sentence. Again --
22 MS. MATOIAN: Yeah.
23 MS. TANNER: Thank you, Catee. I'm sorry.
24 MS. MATOIAN: (Inaudible.)
25 MS. TANNER: Okay.

1 JAMES HOLDER: What, the special copies?
2 MS. TANNER: Yeah.
3 JAMES HOLDER: A page that was flagged in two
4 volumes of medical history would be on file with this case.
5 MS. TANNER: Yeah. Would it be -- in reading
6 that, does it refresh your recollection related to the
7 possibility that your practice would have been to only file
8 in the file the flagged records?
9 JAMES HOLDER: I really don't know.
10 MS. TANNER: Okay. That's okay. That's
11 completely okay.
12 JAMES HOLDER: I don't know.
13 MS. TANNER: Okay. No, that's okay. Thank you.
14 Now, let me see. I was just going to look at the
15 bottom of this report and see whose name was at the bottom.
16 Interesting.
17 Okay. This is -- I'm going to go ahead and -- I'm
18 just going to mark this. Do you have another copy in the
19 file? I'm going to mark this as Exhibit 4 just so we know
20 what we're talking about.
21 (Exhibit Number 4 was marked.)
22 MS. TANNER: So this is a copy of the report and
23 it's a couple of pages long. It's got several entries on it
24 related to what we were just talking about, the information
25 from Dorothea Dix Hospital --

1 JAMES HOLDER: Do you want me to just read what's
2 flagged here?
3 MS. TANNER: No. You can read the whole thing.
4 Those are just our own flags.
5 MS. MATOIAN: So you mainly need to read the first
6 few pages about the source. The rest of it is -- I think
7 the guy who got the source is like calling around to various
8 agencies.
9 MS. TANNER: Right.
10 MS. MATOIAN: But the part with the source are in
11 the first few pages.
12 (Pause.)
13 JAMES HOLDER: Did it ever say who the source was?
14 MS. TANNER: They didn't, so that's -- I'm going
15 to ask you that. Actually, I want to talk to you about
16 that. So in --
17 JAMES HOLDER: I -- I don't remember.
18 MS. TANNER: And, yeah, take your -- take your
19 time and certainly look at it.
20 JAMES HOLDER: I don't -- you know, I don't -- it
21 doesn't -- who -- who marked this information down? Who --
22 MS. TANNER: So the back, I think the -- the
23 guys's name is on the very last page, that very last page at
24 the bottom. Here. Not many more. Maybe it's two more.
25 Sorry.

1 JAMES HOLDER: Two.
2 MS. TANNER: It looks -- so there's never any name
3 on the report except for that one at the bottom.
4 JAMES HOLDER: Yeah. That would be. There's the
5 back. I didn't even remember this guy.
6 MS. TANNER: Okay.
7 JAMES HOLDER: This is Lockey.
8 MS. TANNER: Lockey. Tell me about Mr. Lockey.
9 JAMES HOLDER: He was a lieutenant in the -- as
10 you see here, he was -- and he came through different areas
11 of the police department as well. But this has got
12 Lieutenant Lockey, Vice and Narcotics Division. So
13 apparently he was working with narcotics at the time.
14 MS. TANNER: Uh-huh.
15 JAMES HOLDER: And apparently, he had a source.
16 And that's the reason -- but he just shared this information
17 with us, with the -- with our division.
18 MS. TANNER: Okay.
19 JAMES HOLDER: See what I'm saying?
20 MS. MATOIAN: What is it?
21 JAMES HOLDER: Because I've got the investigative
22 division always upstairs and it's on the second floor in the
23 old Municipal Building.
24 MS. TANNER: Okay.
25 JAMES HOLDER: The first floor was all uniform --

1 MS. TANNER: Okay.

2 JAMES HOLDER: -- divisions, traffic, all that.

3 MS. TANNER: Right.

4 JAMES HOLDER: The second floor was housed

5 there -- the second or third -- the second was the

6 investigative division.

7 MS. TANNER: Uh-huh.

8 JAMES HOLDER: And also it housed, I believe, the

9 drug unit, narcotics division. So -- but they are the ones

10 who shared this information with us. And he made a report,

11 much like I did or we did, you know, by having it dictated

12 and typed up.

13 MS. MATOIAN: Would it have been usual for him to

14 not give you the names of his sources?

15 JAMES HOLDER: Yeah.

16 MS. MATOIAN: Is that to do with being in vice and

17 narcotics --

18 JAMES HOLDER: Yes.

19 MS. MATOIAN: -- they want to keep -- okay.

20 So even though one appears to be an employee at

21 Dorothea Dix -- it appears there were two sources and one --

22 so -- and that wouldn't have been unusual for him to not

23 share it with the investigators on the case?

24 JAMES HOLDER: No.

25 MS. MATOIAN: Okay.

1 JAMES HOLDER: Because -- I don't know. It could
2 have been -- I don't know. It could have been an informant,
3 it could be -- I don't know how he got it, whether he got it
4 off the street or whether he got it from one of his
5 investigators that gave it to him.
6 MS. TANNER: Okay. And what --
7 JAMES HOLDER: No, it wasn't uncommon with them to
8 share it with us because we never shared with them either.
9 MS. MATOIAN: Yeah.
10 JAMES HOLDER: As to -- unless we had something in
11 common, you know.
12 MS. MATOIAN: If you had kind of a usual source or
13 anything like that, would you have kept anywhere like a list
14 of their names like outside of the report of what the source
15 actually told you? Would you have kept any kind of, I don't
16 know, folder or anything like that that would have had your
17 sources names in there?
18 JAMES HOLDER: No.
19 MS. MATOIAN: Or just tried not to write that
20 down, would that have been the goal?
21 JAMES HOLDER: I think so. Most of the time the
22 sources were kept in a controlled environment not
23 outsourced. You know, if I'm making sense.
24 MS. TANNER: It does makes sense.
25 JAMES HOLDER: You don't want to put -- but that

1 makes sense that Lockey -- I didn't remember him.
2 MS. TANNER: When you say "controlled
3 environment," what do you mean?
4 JAMES HOLDER: I'm just --
5 MS. TANNER: Yeah. No, that's okay.
6 JAMES HOLDER: I'm just saying if -- if I were
7 working a source, I would probably have documented it
8 through the court proceedings. If -- if the DA had asked,
9 you know, what's -- who's your source, you know, they
10 would -- you're an attorney --
11 MS. TANNER: Uh-huh.
12 JAMES HOLDER: -- so you know, you'd be smart
13 enough to say, okay, well, who was your attorney -- I mean
14 who was your source. And then you would provide it, you
15 know, that way.
16 MS. TANNER: Okay. And --
17 JAMES HOLDER: But for an investigating -- I don't
18 know. I don't know what Lock -- I don't what the drugs guys
19 -- I never worked drugs, so...
20 MS. TANNER: Yeah. Would it have been -- well,
21 let me back up and ask you this question about your practice
22 though. Would it have been your practice to have asked them
23 who the source was?
24 JAMES HOLDER: Probably. Sometimes I wouldn't
25 ask. I mean I -- I would just take the information that

1 they gave, document it and move on.
2 MS. TANNER: Okay.
3 JAMES HOLDER: And that's apparently what happened
4 here. We had to ask him to document it.
5 MS. TANNER: Document the information he gave you?
6 JAMES HOLDER: Yeah.
7 MS. TANNER: Okay.
8 JAMES HOLDER: Yeah. You know, not his source,
9 but his information that he received.
10 MS. TANNER: Okay. So in this case, in looking at
11 Exhibit 4, essentially he would have given you this
12 information as you would have said, hey, can you document
13 all of this information for us?
14 JAMES HOLDER: No, I wouldn't have said that, no.
15 MS. TANNER: Okay.
16 JAMES HOLDER: A lot of the times this information
17 could have come from one lieutenant to another lieutenant.
18 MS. TANNER: Okay.
19 JAMES HOLDER: Or from one supervisor to another
20 supervisor. And then that lieutenant or supervisor would
21 say, hey, you know, just document the information you got
22 and send it over to us.
23 MS. TANNER: Got it. Got it.
24 JAMES HOLDER: Without us going to sit down with
25 him, per se, you know.

1 MS. TANNER: Got it. Okay. Did you have any
2 sources at Dorothea Dix that you went back to for
3 information on a regular basis?
4 JAMES HOLDER: I don't know. But I didn't deal
5 with Dorothea Dix very -- very much. But I do -- when I
6 dealt with them, you know, there again, it was through their
7 police department over there.
8 MS. TANNER: Okay.
9 JAMES HOLDER: At Dix.
10 MS. TANNER: Okay.
11 JAMES HOLDER: And I don't remember --
12 MS. TANNER: This case?
13 JAMES HOLDER: Yeah. I know I'm not helpful,
14 but --
15 MS. TANNER: No. This is -- no, that's not true
16 actually. This is really --
17 MS. MATOIAN: You're really --
18 MS. TANNER: This is very helpful, as a matter
19 fact.
20 MS. MATOIAN: -- helpful.
21 MS. TANNER: It actually does help us.
22 You looked at the court order which we have
23 marked -- and I have misplaced it somewhere -- oh, as
24 Exhibit 2. There we go. I'm getting better -- and said
25 that the writing at the bottom of Exhibit 2 was your

1 writing. Was it your practice to go serve the court orders
2 for medical records yourself in your investigations on Dix?
3 JAMES HOLDER: Is it our standard practice; not
4 necessarily. Somebody else could have served them, you
5 know.
6 MS. TANNER: Okay. Okay. All right. Let me --
7 I'm also going to show you another part of the file. So I'm
8 going to mark this little packet as -- I think I'm on -- let
9 me make sure I've got the numbers right. I'm on Number 5.
10 I'm doing good.
11 (Exhibit Number 5 was marked.)
12 MS. TANNER: You know, I never keep up with them
13 if I don't mark them. When I'm going back to look at
14 this --
15 JAMES HOLDER: Yeah.
16 MS. TANNER: -- I'll be like I have no idea what
17 we were talking about.
18 Okay. Exhibit 5 is a series of pages from the
19 police file that contain a Polaroid picture. I would like
20 for you -- the front page is like -- that's literally the
21 top of the book. Y'all had books, as I understood it, in
22 your investigation. And then right -- this is exactly how
23 appears in the file. There's a book 12 I think is what that
24 book is. And then behind it is taped a Polaroid all right
25 on the very next page. So that's a copy of the Polaroid.

1 And then we took another picture -- or not picture. We made
2 another copy so you could see the writing on the back of the
3 Polaroid. Do you recognize that person on that Polaroid
4 picture?
5 JAMES HOLDER: I really don't, uh-uh.
6 MS. TANNER: Okay. If you look at the next page
7 behind the picture -- there should be a third page -- do you
8 see the date written on the back of that of Exhibit --
9 JAMES HOLDER: Uh-huh.
10 MS. TANNER: -- 5, do you recognize the
11 handwriting on that date -- on that?
12 JAMES HOLDER: I don't.
13 MS. TANNER: Okay. You don't -- is that yours --
14 JAMES HOLDER: Yeah.
15 MS. TANNER: -- your handwriting? Okay.
16 Let me ask you a question then about your practice
17 as it might relate to taking picture of suspects in a case.
18 Was it your practice to take pictures of suspects in a case?
19 JAMES HOLDER: Our practice?
20 MS. TANNER: Uh-huh.
21 JAMES HOLDER: It could be.
22 MS. TANNER: Okay.
23 JAMES HOLDER: If a suspect was to develop, yes.
24 MS. TANNER: Okay. Was that something you did
25 routinely?

1 JAMES HOLDER: I think it would be -- well, it
2 could -- I'm not really sure, but probably. I do
3 remember -- you know, Polaroids could have been attached to
4 cases.
5 MS. TANNER: Thank you.
6 JAMES HOLDER: But I would say, you know, if what
7 you're -- what' you're asking if there's a suspect would you
8 take a Polaroid of him?
9 MS. TANNER: Yes, sir.
10 JAMES HOLDER: Not necessarily. Either that or
11 CCBI or, you know, it would be some photographs made. Not
12 necessarily would I make them or we were required to make
13 them. Am I --
14 MS. TANNER: Yeah. That make sense to me.
15 JAMES HOLDER: It's sort of -- it doesn't have to
16 say, okay, you need to make a photograph of this guy.
17 MS. TANNER: Right.
18 JAMES HOLDER: I mean it's --
19 MS. TANNER: So --
20 JAMES HOLDER: But it could have been in this
21 case, you know, he -- you know, it was made.
22 MS. TANNER: Okay.
23 JAMES HOLDER: And it could be -- I just don't --
24 I don't know.
25 MS. TANNER: Yeah.

1 JAMES HOLDER: In this case, it could be.
2 MS. TANNER: Let me ask a question about CCBI and
3 pictures of suspects. So the facts of this case are
4 essentially, as we've discussed, that like there was an
5 initial investigation when the crime happened in '79, then
6 at some point the task force comes in. And when we looked
7 at Exhibit 4, you can see the date on this is 1983.
8 JAMES HOLDER: '83.
9 MS. TANNER: Uh-huh. Is kind of when we start
10 getting into Mr. Blackmon.
11 JAMES HOLDER: Him. Mr. Blackmon.
12 MS. TANNER: Right. So having that background --
13 and I don't -- I don't know who this photo is for sure. We
14 just don't know. But when you mentioned CCBI, I'm a little
15 bit interested in understanding that practice. Were there
16 times that you have a suspect in a case and so you took them
17 to be photographed by the CCBI?
18 JAMES HOLDER: That's possible.
19 MS. TANNER: Okay. Was there any other way
20 besides the invest --
21 JAMES HOLDER: And some -- sometimes, you know, if
22 you didn't have -- we didn't have access to Polaroids, you
23 would drop by and get a -- it would be done at CCBI. I
24 don't know.
25 MS. TANNER: Okay. So the way you took pictures

1 at the station if you did it was --

2 JAMES HOLDER: Pretty much was --

3 MS. TANNER: -- a Polaroid camera?

4 JAMES HOLDER: Yeah. It was pretty much left up

5 to us that if we took him behind -- it's just commonsense

6 you took a picture, you know, that you might want to show

7 later.

8 MS. TANNER: Right.

9 JAMES HOLDER: So, you know --

10 MS. TANNER: Now, I've -- photography has come a

11 long way.

12 JAMES HOLDER: Man, I wished everything had --

13 MS. TANNER: We're all --

14 JAMES HOLDER: I can -- I tell you what, that's a,

15 you know --

16 MS. MATOIAN: Think about all the cases you could

17 have solved with what we have now.

18 JAMES HOLDER: And wouldn't have to do so much

19 legwork.

20 MS. MATOIAN: Yeah.

21 MS. TANNER: Yeah.

22 JAMES HOLDER: Yeah.

23 MS. TANNER: Was it that in the 1970s, late 1970s,

24 early 1980s, was there any other kind of film used to take

25 pictures other than Polaroids back then?

JAMES HOLDER: Were there any other types?

MS. TANNER: Uh-huh.

JAMES HOLDER: Other than what was available with CCBI, their photography department. They had a -- they had a photography department, I think.

MS. TANNER: Okay.

JAMES HOLDER: A small one back then. I think '79, '80 --

MS. TANNER: Right.

JAMES HOLDER: Because -- yeah. That's would be sort of limited to -- to -- to them and what they had available.

MS. TANNER: Okay. But for you taking it or for, you know, Mr. Munday --

JAMES HOLDER: Yeah.

MS. TANNER: -- in this case, y'all were using Polaroid cameras?

JAMES HOLDER: Yeah.

MS. TANNER: Okay.

JAMES HOLDER: Polaroids were available if we needed them.

MS. TANNER: Okay. Interesting. You know, I have a daughter who thinks Polaroid cameras are the best thing since sliced bread.

JAMES HOLDER: I think that --

1 MS. TANNER: I'm just going to tell you that, she
2 does. Every birthday party we've got to have a Polaroid
3 camera.
4 JAMES HOLDER: You know, they're obsolete now, but
5 they're still around.
6 MS. MATOIAN: They're trying to make a comeback.
7 MS. TANNER: They are trying to make a comeback.
8 And those things are not cheap. I'm just going to tell you
9 that. Like that's pretty impressive.
10 JAMES HOLDER: It is.
11 MS. TANNER: I want to talk to you little bit
12 about -- let me just show you these notes from -- we'll go
13 into the -- we'll talk about the notes from Dorothea Dix.
14 So these are just pieces of the records from
15 Dorothea Dix concerning Mr. Blackmon. I'm going to label
16 them as Exhibit 6.
17 (Exhibit Number 6 was marked.)
18 MS. TANNER: It's not the full records that were
19 in the police file. I have those in the car, like I said,
20 if for some reason you feel like you want to see those. But
21 I pulled these because I highlighted in here a few times
22 where the police are mentioned, your name might be
23 mentioned, or a discussion with Mr. Blackmon was mentioned.
24 So I'm going to give these to you and let you look at them
25 focusing kind of on those highlights. And then I have a

1 couple of questions about that. Is that okay?
2 JAMES HOLDER: Yeah, sure.
3 MS. TANNER: All right. Here you go, Exhibit 6.
4 JAMES HOLDER: Yeah. Some of their writing isn't
5 too good, is it?
6 MS. TANNER: There -- it isn't. Also a benefit --
7 JAMES HOLDER: I'm looking at the names that were
8 signed, too.
9 MS. TANNER: Also a major benefit to
10 investigations has been the advent of electronic medical
11 records.
12 MS. MATOIAN: Yes.
13 MS. TANNER: Nobody's handwriting is worse than a
14 medical care provider I decided.
15 JAMES HOLDER: Yeah. Now, what do you want me
16 to --
17 MS. TANNER: So I just wanted you to look at
18 those. So here's my -- and then I'll -- if you don't -- I
19 know I just have the one copy, but take your time. Don't
20 rush.
21 JAMES HOLDER: Yeah. I'm just curious. I just --
22 MS. TANNER: And let me ask you a question while
23 you're -- real quick while you're looking at these.
24 JAMES HOLDER: Yeah.
25 MS. TANNER: We talked about the notation in

1 Exhibit 3 about the records being flagged. Do you -- can
2 you recall or do you know what it means that the records
3 were flagged?
4 JAMES HOLDER: No.
5 MS. TANNER: Okay. When you reviewed medical
6 records in a case, walk me through -- I know this seems like
7 a simple question, but walk me through what you would do
8 when you got them in your office.
9 JAMES HOLDER: We would go look -- look through
10 those as anything might be pertinent to what we were
11 working.
12 MS. TANNER: Okay.
13 JAMES HOLDER: What might stand out. That's about
14 it.
15 MS. TANNER: Okay.
16 JAMES HOLDER: I see some of all of those. Pretty
17 interesting. Who was that -- who was that -- I didn't even
18 know who came and got the medical records there, (inaudible)
19 something.
20 MS. TANNER: In Exhibit 6?
21 JAMES HOLDER: Yeah.
22 MS. MATOIAN: What do you -- tell me more what you
23 mean about that.
24 JAMES HOLDER: Yeah, I don't -- the handwriting
25 is -- I remember some of them a little bit clearer than

1 that.

2 MS. MATOIAN: Some of the records from

3 Mr. Blackmon's case?

4 JAMES HOLDER: I mean -- no, but --

5 MS. TANNER: In general?

6 JAMES HOLDER: -- in general.

7 MS. TANNER: So let me ask you a couple of

8 questions about Exhibit 6.

9 So the first notation on the first page that I've

10 marked as Exhibit 6 is like 9/12/83. And these are

11 Mr. Blackmon's medical records and it's talking about that

12 they're trying to get up with you on behalf of Mr. Blackmon

13 and that you're going to contact someone named Ms. Peebles.

14 That's on page 1 of this Exhibit 6. Do you remember

15 anything about Ms. Peebles?

16 JAMES HOLDER: No.

17 MS. TANNER: Okay.

18 JAMES HOLDER: I was just looking at that. I

19 don't (inaudible).

20 MS. TANNER: Okay. When I'm looking at this --

21 and I'll tell you, Exhibit 4, the date on Exhibit 4 starts

22 at 2/3/83, so that's in the early 1983. Do you recall

23 having any knowledge of Mr. Blackmon or who he was prior to

24 February of 1983?

25 JAMES HOLDER: No.

1 MS. TANNER: Okay.
2 JAMES HOLDER: Do I recall, no.
3 MS. TANNER: Yeah. I know you said generally that
4 you remember Mr. Blackmon.
5 JAMES HOLDER: I wouldn't know him if he came up
6 here to me.
7 MS. TANNER: Okay.
8 JAMES HOLDER: I remember the name.
9 MS. TANNER: Okay.
10 JAMES HOLDER: And I remember Saint Aug or Saint
11 Augustine.
12 MS. TANNER: Okay. The college?
13 JAMES HOLDER: Yeah.
14 MS. TANNER: Do you have any recollection of
15 Mr. Blackmon of his name independent of the relationship
16 with this particular crime at Saint Augustine's --
17 Augustine's? I'm going to get that right.
18 JAMES HOLDER: Now.
19 MS. TANNER: Okay. Would it have been common for
20 Dorothea Dix Hospital to reach out to you related to an
21 individual in one of your cases?
22 JAMES HOLDER: No. I don't -- I don't think so.
23 MS. TANNER: It wouldn't have been unusual?
24 JAMES HOLDER: Unusual?
25 MS. TANNER: Uh-huh.

1 JAMES HOLDER: I don't -- I don't know. I just --
2 it could have or it couldn't have.
3 MS. TANNER: Okay.
4 JAMES HOLDER: I just don't remember. There
5 again, I -- I just don't remember.
6 MS. TANNER: Okay. I'm going to ask that just a
7 little bit definitely though because I'm get at a little bit
8 of a different point. I know lawyers ask questions in
9 different ways.
10 Was it something you recall as being routine that
11 Dorothea Dix Hospital would reach out to you about
12 individuals in cases you were working?
13 JAMES HOLDER: Routinely?
14 MS. TANNER: Uh-huh.
15 JAMES HOLDER: No.
16 MS. TANNER: Okay.
17 JAMES HOLDER: Not that -- I would say, no, not
18 routine, no.
19 MS. TANNER: I'm going to go to the second page in
20 Exhibit 6, which is Bates stamped at the bottom 91. And I'm
21 happy -- you've looked at this. But there's a note in here
22 about -- it says, "If Mr. Blackmon should be discharged, the
23 following persons should be notified." And Raleigh Police
24 Department is on here, though no particular name is on
25 there.

1 Was it routine for RPD to be contacted if an
2 individual was released from Dorothea Dix?
3 JAMES HOLDER: No.
4 MS. TANNER: Okay. Do you recall being contacted
5 in this case because Mr. Blackmon was being released?
6 JAMES HOLDER: I don't recall what -- no, I don't.
7 MS. TANNER: That's okay.
8 JAMES HOLDER: I just --
9 MS. TANNER: I know -- we know this was a long
10 time ago.
11 JAMES HOLDER: Yeah.
12 MS. TANNER: If you -- assuming here that they say
13 these people should be notified, okay?
14 JAMES HOLDER: Yeah.
15 MS. TANNER: Why would RPD have been notified
16 about Mr. Blackmon's release?
17 JAMES HOLDER: Well I think, you know, there
18 again, a person of interest, I guess. You know, and this
19 would have been -- I don't know, unless it was -- I don't
20 know.
21 MS. TANNER: That's okay. I'm just -- just
22 curious about that piece.
23 JAMES HOLDER: I mean it wasn't routine.
24 MS. TANNER: It wasn't routine, okay.
25 So there's a notation in here. It's on what is

1 Bates stamped page 138, but it's in this Exhibit 6. And I'm
2 happy to hand this back to you. But it says 10/31/83. And
3 here there's a notation that the patient -- this is
4 Mr. Blackmon -- was taken to the Raleigh Police Station for
5 questioning by two officers.
6 Do you recall in this case picking up Mr. Blackmon
7 from Dorothea Dix to take him for -- for questioning?
8 JAMES HOLDER: Do I remember picking him up?
9 MS. TANNER: Uh-huh.
10 JAMES HOLDER: No.
11 MS. TANNER: Okay.
12 JAMES HOLDER: But I'm -- no, I don't.
13 MS. TANNER: Okay. So now my next question, as
14 has been routine, would it have been your practice to go
15 pick up a suspect at Dorothea Dix if that's where they were
16 to go take them for questioning?
17 JAMES HOLDER: No.
18 MS. TANNER: No.
19 JAMES HOLDER: It wouldn't be, no, our practice.
20 He could have been picked up by anybody.
21 MS. TANNER: Okay.
22 JAMES HOLDER: It could have been, you know, by
23 the uniform division, anybody.
24 MS. TANNER: Does it signify anything special
25 about Mr. Blackmon if there's an indication in the file that

1 you or Mr. Munday picked him up?
2 JAMES HOLDER: We could -- now, this would have
3 been -- I was trying to think. I know we did have
4 Mr. Blackmon.
5 MS. TANNER: Okay.
6 JAMES HOLDER: And I don't recall where we got
7 him, picked him up, or if we picked him up or if he came to
8 us or what. But we very -- I do recall that he was with us
9 for a period of time.
10 MS. TANNER: Uh-huh.
11 JAMES HOLDER: And where we picked him up at or if
12 we picked him up or whether he was brought down to us and
13 then we went from there, I don't that sequence of events.
14 MS. TANNER: Okay. Okay. If -- and so this is
15 kind of helpful to me in understanding because you said you
16 could send a uniform officer --
17 JAMES HOLDER: Sure.
18 MS. TANNER: -- to pick somebody up for you?
19 JAMES HOLDER: Sure.
20 MS. TANNER: Okay. What if -- I'm going to give
21 you a scenario. What if you were going to a lineup with a
22 particular suspect -- we talked earlier about lineups and
23 you said that you might not be involved --
24 JAMES HOLDER: Right.
25 MS. TANNER: -- in a lineup. If you were going to

1 do a lineup with a particular suspect, would it have been
2 your practice to send an officer, not yourself or
3 Mr. Munday, out to pick the suspect up and have that officer
4 manage the lineup as opposed to the two of you?
5 JAMES HOLDER: Or either have someone at the
6 office to do it while we were still in the field or
7 something.
8 MS. TANNER: Okay. Okay. Are -- were, in your
9 experience, lineups always followed by a report?
10 JAMES HOLDER: I think so, yeah. I think there
11 should be --
12 MS. TANNER: Okay.
13 JAMES HOLDER: -- some documentation there.
14 MS. TANNER: Okay. So the -- I think did you say
15 line officer? Is that what you would call them or --
16 JAMES HOLDER: Yeah.
17 MS. TANNER: Yeah, okay. So if a line officer
18 took someone to participate --
19 JAMES HOLDER: Or a uniform division.
20 MS. TANNER: Or a uniform division officer --
21 JAMES HOLDER: Yeah.
22 MS. TANNER: -- took someone to participate in a
23 lineup, you would expect there to follow a report?
24 JAMES HOLDER: Yes. Either that or the person
25 that was conducting --

1 MS. TANNER: The lineup.
2 JAMES HOLDER: Yeah.
3 MS. TANNER: Okay. But that person wouldn't
4 always be the primary investigator on the file?
5 JAMES HOLDER: True. True.
6 MS. TANNER: Okay. Okay. And I'm asking that
7 because -- so here we have this notation from 10/31/83 about
8 taking Mr. Blackmon and there's not -- there's just not a
9 corresponding report on what -- you know, what happened on
10 that day with Mr. Blackmon.
11 JAMES HOLDER: Yeah.
12 MS. TANNER: Okay. On page 142 of Exhibit 6, what
13 I've highlighted there was that Mr. Blackmon was very glad
14 to see the detectives. And related that he had been
15 spending time with them and that they were his friends.
16 Do you remember Mr. Blackmon considering you and
17 Mr. Munday his friends?
18 JAMES HOLDER: I would think so.
19 MS. TANNER: You would think --
20 JAMES HOLDER: That's the way I -- I handle
21 people.
22 MS. TANNER: Okay. So that doesn't surprise you
23 in any way --
24 JAMES HOLDER: No.
25 MS. TANNER: -- that he would consider you a

1 friend.

2 JAMES HOLDER: No.

3 MS. TANNER: Okay. Okay. I have another question

4 in Exhibit 6. We're looking at -- I'm looking at what is

5 Bates stamped at the bottom -- though it doesn't much

6 matter -- page 148. And these dates are around November

7 of 1983. So if we go back to Exhibit 4, you know, we got

8 the name back in February sometime, early 1983. And then

9 here these are in later 1983.

10 This note says that Mr. Blackmon had gone off

11 grounds several days and here it was to seek employment.

12 Did you ever have any input with Dix about whether

13 or not a suspect in your case should be allowed to be out in

14 the community? I'm sorry, this is my judgment watch telling

15 me it's time to stand up, but I'm not. I going to ignore

16 it.

17 JAMES HOLDER: And I (inaudible).

18 Now ask me that again. I was trying to --

19 MS. TANNER: Sure.

20 JAMES HOLDER: -- I was trying to think and my

21 mind --

22 MS. TANNER: I know. I'm sorry, it was

23 distracting.

24 In this notation sometime in November of '83,

25 Mr. Blackmon has got of grounds from Dix several days to

1 seek employment. And given the timeline of these events --
2 and I'll show you Mr. Blackmon's statements -- it's clear,
3 at least to me, it's my assessment, that he is a suspect by
4 this point in this murder. Did you have any input at Dix
5 about whether or not someone who was a suspect would go off
6 campus?
7 JAMES HOLDER: Uh-uh.
8 MS. TANNER: No. Okay. Were you ever made aware
9 in your practice as a police detective, particularly in late
10 '70s early '80s, when a suspect was going to be gone off
11 campus from Dix? Were you ever made aware of that?
12 JAMES HOLDER: No.
13 MS. TANNER: Okay. Is that something you
14 requested to be made aware of?
15 JAMES HOLDER: I -- I don't think so.
16 MS. TANNER: Okay.
17 JAMES HOLDER: I think I would leave it up to --
18 because I think the hospital would have been better knowing
19 everything that they deal with -- you know, with their
20 client up there as to what they were capable of.
21 MS. TANNER: Okay.
22 MS. MATOIAN: Not the police, per se.
23 MS. TANNER: Right. Was it your practice or --
24 well, let me ask it was it your practice first. Was it your
25 practice to notify the chief of police at Dorothea Dix or

1 the police, whoever they were there, hey, I've got a suspect
2 that's at Dix that's a murder suspect in one of my cases?
3 JAMES HOLDER: No.
4 MS. TANNER: Okay. Do you recall ever notifying
5 the police department at Dorothea Dix about having a suspect
6 who was being housed at Dix?
7 JAMES HOLDER: I don't recall.
8 MS. TANNER: That, okay.
9 JAMES HOLDER: I don't recall that. No.
10 MS. TANNER: Is it safe -- well, let me ask you.
11 I'll just ask you straight out. Do you recall contacting
12 Dorothea Dix about James Blackmon and any concerns you had
13 related to him being released?
14 JAMES HOLDER: I could have or might not have.
15 MS. TANNER: Okay. That's fine.
16 JAMES HOLDER: I just don't -- I don't remember.
17 MS. TANNER: This is a next -- a next little
18 highlighted section here. It says -- it's page 155 of this
19 Exhibit 6. And it says that the patient was discharged with
20 medication to Lumberton with Raleigh police.
21 Do you remember in this case taking Mr. Blackmon
22 to Lumberton to his grandmother or family down there at any
23 point?
24 JAMES HOLDER: No.
25 MS. TANNER: Okay. Would it have been unusual for

1 you to have driven a suspect who was being released -- from
2 anything, from jail, from the hospital -- back to where he
3 was going to live?
4 JAMES HOLDER: Would it be unusual?
5 MS. TANNER: Uh-huh.
6 JAMES HOLDER: I guess it's possible.
7 MS. TANNER: It is. Okay.
8 JAMES HOLDER: That --
9 MS. TANNER: Was that -- oh, go ahead. I'm sorry.
10 JAMES HOLDER: No.
11 MS. TANNER: No, finish what you're were saying.
12 I'm sorry.
13 JAMES HOLDER: No. I'm just trying to remember
14 and I don't.
15 MS. TANNER: I know. That's okay. Was -- and so,
16 sir, to be honest with you, that's why some of this stuff
17 about like, hey, what was your practice is helpful to us.
18 Was it routine for you to take a suspect from the
19 hospital back to his home?
20 JAMES HOLDER: Was an unusual?
21 MS. TANNER: Was it routine?
22 JAMES HOLDER: Routine to take a suspect?
23 MS. TANNER: Uh-huh.
24 JAMES HOLDER: Not if he were a -- I guess it
25 could be.

1 MS. TANNER: Okay.
2 JAMES HOLDER: I mean, I don't know -- I just
3 don't remember that or if it's -- certainly I don't think it
4 would -- and he went back to where, Lumberton?
5 MS. TANNER: Lumberton. In Lumberton. My
6 understanding of that from file is that was Mr. Blackmon's
7 family --
8 MS. MATOIAN: Uh-huh.
9 MS. TANNER: -- was in Lumberton, North Carolina.
10 JAMES HOLDER: I don't -- I don't recall that.
11 MS. TANNER: Okay. That's fine.
12 JAMES HOLDER: But --
13 MS. TANNER: Oh, I'm sorry. Go ahead.
14 JAMES HOLDER: No, I'm just trying to put things
15 in perspective there.
16 MS. TANNER: Take back -- take back the memory. I
17 know that's --
18 JAMES HOLDER: Yeah.
19 MS. TANNER: I want to back to the photo that we
20 looked at -- I'm sorry -- in Exhibit 5, with the date on the
21 back of Exhibit 5 --
22 JAMES HOLDER: Yeah.
23 MS. TANNER: -- I want to ask about your -- the
24 practice. If you would take a Polaroid at the police
25 station, was it the -- your practice to date the back of the

1 Polaroid?

2 JAMES HOLDER: I would think if I -- if I did, I

3 would have, I think.

4 MS. TANNER: Okay.

5 JAMES HOLDER: I don't -- it's not a practice -- I

6 guess it's up to --

7 MS. TANNER: Whoever took it.

8 JAMES HOLDER: -- whoever took it, but --

9 MS. TANNER: Okay.

10 JAMES HOLDER: -- if they wanted you document a

11 date or whatever.

12 MS. TANNER: So -- and I understand that you

13 recognize this handwriting. That's fine. My question -- so

14 for you, if you were to take a Polaroid of a suspect, would

15 it have been your practice to put the date you took the

16 picture on the back of that picture?

17 JAMES HOLDER: I could have.

18 MS. TANNER: Okay.

19 JAMES HOLDER: I mean, I could have, could not

20 have. It wasn't something set in stone that we did. It was

21 just up to the individual.

22 MS. TANNER: Up to the individual. Okay.

23 Okay. How involved -- in the late 1970s and

24 early 1980s, how involved was the District Attorney's

25 Office in your investigations?

1 JAMES HOLDER: How -- I mean we had, you know,
2 different -- different assistant DAs would take cases.
3 MS. TANNER: Okay.
4 JAMES HOLDER: And then we would meet with them.
5 MS. TANNER: Do you recall -- Thompson?
6 MS. MATOIAN: Edwards.
7 MS. TANNER: -- Edwards, Susan Edwards, working
8 with her?
9 JAMES HOLDER: Yes.
10 MS. TANNER: Okay. And how involved was she?
11 What was her practice like as far as being involved in your
12 investigations?
13 JAMES HOLDER: Well, she would just be like one of
14 the assistant DAs. There were several. I think one of them
15 was (inaudible). I know Nick Dombalis was -- works on
16 violent cases.
17 MS. MATOIAN: So when you say you would meet with
18 them, would they ever be involved in anything that you would
19 have considered your investigative work like going on
20 interviews with witnesses or being present during a lineup
21 or anything like that?
22 JAMES HOLDER: No.
23 MS. MATOIAN: Okay.
24 JAMES HOLDER: Uh-uh, no. I think -- but I know
25 that Susan was an assistant DA back then.

1 MS. TANNER: Uh-huh.
2 JAMES HOLDER: And I think -- who was the DA back
3 then? It wasn't Coleman, was it?
4 MS. MATOIAN: Uh-uh.
5 MS. TANNER: No. It was --
6 JAMES HOLDER: Randolph.
7 MS. TANNER: Yes. I think that is right.
8 JAMES HOLDER: Or Burley Mitchell, not --
9 MS. TANNER: I don't think it was Burley Mitchell.
10 JAMES HOLDER: No.
11 MS. MATOIAN: No. I think it was --
12 JAMES HOLDER: It must have been Randolph.
13 MS. MATOIAN: -- Randolph.
14 MS. TANNER: Yeah. I think --
15 MS. MATOIAN: Yeah.
16 MS. TANNER: -- that's right.
17 JAMES HOLDER: I haven't lost it all.
18 MS. TANNER: No, you haven't.
19 JAMES HOLDER: I knew it was --
20 MS. MATOIAN: You have an excellent memory. You
21 really do.
22 JAMES HOLDER: I -- I was remembering it was one
23 of the -- Burley or Randolph or -- or Colon Willoughby, one
24 or the other.
25 MS. TANNER: In thinking about Dorothea Dix, would

1 it have been -- would you have taken a patient or person who
2 was involved in one of your investigations to Dorothea Dix
3 for admission?
4 JAMES HOLDER: Now. That wouldn't be our routine,
5 no.
6 MS. TANNER: Okay. Would it be possible that you
7 have done that or you would just never do that in your
8 practice?
9 JAMES HOLDER: No, it's possible.
10 MS. TANNER: Okay.
11 JAMES HOLDER: I mean, yeah, it's -- it's
12 possible.
13 MS. TANNER: Okay. Before this -- oh, I think we
14 talked about that. Sorry, these checks are good. It gives
15 me a minute to get back.
16 Do you recall Mr. Blackmon's appearance when you
17 were talking with him in this case?
18 JAMES HOLDER: No.
19 MS. TANNER: Okay. Do you remember -- I know we
20 just said generally his appearance. Do you remember if
21 Mr. Blackmon had a beard?
22 JAMES HOLDER: Do not.
23 MS. TANNER: Okay. I want to go back a little bit
24 to the discussion we had about some contacts with
25 Mr. Blackmon. There's an indication in the file -- and I

1 don't know if I've pulled this report -- that, you know,
2 between -- like for a month period, between September 1983
3 and October of 1983, there are contacts -- I would use that
4 term loosely -- with Mr. Blackmon on the street where either
5 you or Mr. Munday are saying like, hey, we want to talk to
6 you about this case. Is that the kind of thing that you
7 would document any more than just a passing mention in the
8 file?
9 JAMES HOLDER: Is that the kind of thing we would
10 document?
11 MS. TANNER: Uh-huh. More than just like a
12 passing mention in the file.
13 JAMES HOLDER: It could be something that could
14 have not been or it could have been.
15 MS. TANNER: Okay. I'm going to show you
16 another -- let me make absolutely sure I've got this right.
17 I think we might be 7. You know I put them out of order, so
18 now I'm moving this up. I'm going to mark this one 7,
19 Exhibit 7. This is actually an interview that you did in
20 the case.
21 JAMES HOLDER: Uh-huh.
22 MS. TANNER: Our your name -- a report. This is a
23 report you did in the case -- about an interview with an FBI
24 agent Dave Keller. I'm going to give your a second to
25 look at it -- it's just two pages -- and then I've got a

1 couple of questions about it.

2 MS. MATOIAN: There (inaudible).

3 MS. TANNER: Yeah.

4 JAMES HOLDER: Okay. I'm trying to -- I don't

5 even remember that, to tell you the truth.

6 MS. TANNER: You don't remember the interview?

7 JAMES HOLDER: With the agent?

8 MS. TANNER: Uh-huh.

9 JAMES HOLDER: But I'm sure if I had it in here,

10 it happened.

11 MS. TANNER: Of course. So I know that you said

12 that you don't remember the interview from Exhibit 7. Do

13 you recall Mr. Blackmon being involved, prior to this case,

14 as a victim of abuse at Dorothea Dix?

15 JAMES HOLDER: No.

16 MS. TANNER: Okay. Okay. In looking at this

17 interview that we see in Exhibit 7, would this interview at

18 the time have led you to review the file related to that

19 case where Mr. Blackmon was a victim?

20 JAMES HOLDER: I don't recall anything other than

21 what I've got documented right there.

22 MS. TANNER: Of course. I -- I know we talked

23 about getting a suspect food or, you know, if you were going

24 to eat or whatever. If Mr. Blackmon has a recollection that

25 you and/or Mr. Munday took him to get a haircut and a shave,

1 would you have any reason to disagree with his recollection
2 of that?
3 JAMES HOLDER: Yeah. That would be a little
4 extreme.
5 MS. TANNER: Okay.
6 JAMES HOLDER: Food maybe. But a haircut and a
7 shave is a little extreme. I've never, you know.
8 MS. TANNER: Would you have ever provided funds
9 for an individual get a haircut and a shave?
10 JAMES HOLDER: No.
11 MS. TANNER: Okay. I have -- let's see. Do you
12 recall here today, like right now, that Ms. Edwards was
13 involved in the prosecution of the employees who abused
14 Mr. Blackmon?
15 JAMES HOLDER: No.
16 MS. TANNER: Okay. If in 1979 and early 1980s,
17 if you had known Ms. Edwards was involved in the prosecution
18 of the employees who allegedly abused Mr. Blackmon, would
19 you have had an opinion with the district attorney's office
20 about Ms. Edwards' involvement as the district attorney on
21 this case, this murder investigation where Mr. Blackmon was
22 a suspect?
23 JAMES HOLDER: Would I --
24 MS. TANNER: Yes, sir.
25 JAMES HOLDER: I don't have anything to do with

1 that.

2 MS. TANNER: Okay. So you would not have had an

3 opinion for any reason --

4 JAMES HOLDER: No.

5 MS. TANNER: -- about what district attorney would

6 have handled that?

7 JAMES HOLDER: I would have, no.

8 MS. TANNER: Would the investigation of a crime at

9 Dorothea Dix against a patient -- did you -- well, let me

10 back up.

11 Did you ever handle the investigation of a crime

12 against a patient at Dorothea Dix that you can recall?

13 JAMES HOLDER: No.

14 MS. TANNER: Okay. Do you recall anyone at RPD

15 ever handling investigations of crimes against patients at

16 Dorothea Dix?

17 JAMES HOLDER: No.

18 MS. TANNER: Okay. If you had handled the

19 investigation of Mr. Blackmon's -- of the crime allegedly

20 against Mr. Blackmon, would you have also then handled the

21 investigation of the murder where he was a suspect?

22 JAMES HOLDER: I was just doing what I'm supposed

23 to do.

24 MS. TANNER: Okay. So you would do what you were

25 told?

1 JAMES HOLDER: Exactly.
2 MS. TANNER: Okay, got it.
3 Do you remember the investigation in the cases
4 Alston and Bridges?
5 MS. MATOIAN: Doris Alston and Patricia Bridges.
6 MS. TANNER: Will you pulled those?
7 MS. MATOIAN: Yeah, sorry.
8 JAMES HOLDER: The names sound familiar, but I
9 can't tell you.
10 MS. MATOIAN: They -- they both happened in 1982.
11 They were two younger black women who -- I'll just be very
12 honest -- were murdered horrifically. One was found at the
13 440 construction on Lake Wheeler Road and other was found
14 off of Atlantic Avenue. Do you recall those cases at all?
15 They believed one of them was a prostitute. And Ms. Alston,
16 I think there was some disagreement as to people that were
17 spoken to in the investigation as to whether she had engaged
18 in any prostitution. They were both cut very badly.
19 JAMES HOLDER: Alston and Bridges, I just
20 remember --
21 MS. MATOIAN: The names?
22 JAMES HOLDER: -- and I might remember them from
23 the names I saw in here.
24 MS. MATOIAN: So --
25 JAMES HOLDER: Wendy something, Bridge something.

1 MS. TANNER: Yes.
2 MS. MATOIAN: So this is a report -- most of it
3 does not have to do with Alston and Bridges. But on this
4 page right here --
5 JAMES HOLDER: Uh-huh.
6 MS. MATOIAN: -- there's just these two paragraphs
7 and it goes onto the last page --
8 MS. TANNER: Here, I'm going to let you label
9 that. We're at 8. We're going to mark that report as
10 Exhibit 8.
11 (Exhibit Number 8 was marked.)
12 JAMES HOLDER: I don't -- this just doesn't ring a
13 bell --
14 MS. MATOIAN: Okay.
15 JAMES HOLDER: -- on Ms. Alston and --
16 MS. MATOIAN: Do you remember during the course
17 you were investigating Mr. Blackmon thinking he was involved
18 in other crimes?
19 JAMES HOLDER: Now, this happened before. Did
20 this happened --
21 MS. MATOIAN: So those ones happened --
22 Mr. Blackmon's crime that he was ultimately convicted of,
23 that actually happened in 1979, although he wasn't arrested
24 until 1983. The Alston and Bridges murders happened in
25 1982. So this report was written that next year when you

1 were investigating Mr. Blackmon.

2 We were just trying to -- the report doesn't say,

3 so I was just wondering if you remembered why you were

4 looking at him for those cases.

5 JAMES HOLDER: I don't -- I guess it's just

6 because of the victims, I guess, but I don't know. I

7 think -- I just can't pull it back. I do remember Alston

8 and Bridges, but I don't remember much detail about that.

9 MS. MATOIAN: And I actually -- just based on this

10 report -- we went back to RPD and we did look at the files

11 for the Alston and Bridges cases that they had. And

12 although the report indicates that you were looking into

13 Mr. Blackmon for this, he's not mentioned anywhere in those

14 files. So just if you have any recollection as to why he

15 wouldn't have been mentioned in those files or --

16 JAMES HOLDER: It could very well have been

17 because a knife being used and the way that they were cut up

18 or whatever. I'm just trying to think back to then.

19 Because you mentioned the locations. They were out in a

20 field or something, weren't they? Didn't you say they

21 were --

22 MS. MATOIAN: I think Ms. Bridges -- she was

23 found -- they were constructing 440 at the time and she was

24 kind of found near the construction and, yeah, in sort of a

25 smaller area, but kind of like a field. She had a mattress

1 on top of her.

2 JAMES HOLDER: I don't know. I just can't pull

3 that together.

4 MS. MATOIAN: Okay.

5 MS. TANNER: That's okay.

6 JAMES HOLDER: But it would make sense that his

7 name was mentioned or -- or looked at because of -- not the

8 way she was -- it wasn't a weapon other than a knife.

9 MS. MATOIAN: Okay.

10 JAMES HOLDER: And I think -- I think they were

11 pretty brutal.

12 MS. MATOIAN: Extremely.

13 JAMES HOLDER: I think one of them -- I think -- I

14 don't know, some -- something about --

15 MS. MATOIAN: I think I know what you remember.

16 JAMES HOLDER: Huh.

17 MS. MATOIAN: I think I know what you might be

18 remembering.

19 JAMES HOLDER: They were gutted.

20 MS. MATOIAN: Yeah.

21 JAMES HOLDER: One of them was -- and I might have

22 saw photographs of it. I think one of them was actually

23 gutted. And I don't remember -- I don't remember the other

24 one.

25 MS. MATOIAN: The other one was very similar.

1 JAMES HOLDER: Which one was gutted?
2 MS. MATOIAN: Both of them.
3 JAMES HOLDER: Were gutted wide open?
4 MS. MATOIAN: Uh-huh.
5 JAMES HOLDER: I think the intestines were out and
6 they went all the way down to the pubic line, I think it
7 was. I do remember that. But I think -- that's about all I
8 can -- but I don't -- I don't even remember -- I could see
9 why we did what we did when that happened to look at it.
10 But he wasn't connected in any way there.
11 MS. TANNER: Okay.
12 JAMES HOLDER: That I -- that I can -- but I guess
13 he could have, but we couldn't -- couldn't put it together.
14 MS. TANNER: Now, what makes you think -- just out
15 of curiosity, what makes you think that he could have?
16 JAMES HOLDER: I don't know that -- but their
17 again, a person with a knife that can kill, they -- they do
18 strange things.
19 MS. TANNER: Okay.
20 JAMES HOLDER: It's -- it's up close and personal.
21 MS. TANNER: The knife?
22 JAMES HOLDER: The knife is a personal type
23 weapon.
24 MS. TANNER: Okay. Tell me little bit more -- so
25 that's really interesting to me. So tell me a little bit

1 more about that. So do you recall the details of
2 Ms. Payton's murder?
3 JAMES HOLDER: No. No more than what's in the
4 report.
5 MS. TANNER: Okay. I may -- I'm going to show you
6 Mr. -- I'm going to show you Mr. Blackmon's statements, but
7 we may just pull that initial report regarding the details
8 of her murder. But I can tell you now that her murder
9 was -- there was a single knife wound to her neck. Do you
10 believe that to be personal the way you just described the
11 other two murders? I don't know, I'm just curious about
12 that.
13 JAMES HOLDER: I say it's personal. And the
14 reason I say personal is because it's a lot easier to kill
15 somebody without a gun than it is, you know, like I said,
16 with a knife.
17 MS. TANNER: Yeah, okay.
18 MS. MATOIAN: That's just --
19 MS. TANNER: Interesting. Yeah.
20 JAMES HOLDER: And I don't know. It's just -- of
21 course, it's a whole lot quieter than a gun.
22 MS. TANNER: Yeah. I'm going to talk to you about
23 Mr. Blackmon's statements. And I'm going to go ahead and
24 tell you fairly that there's about 125 pages of these and I
25 don't expect you to read them. Though they're not -- I

1 mean, if you -- if you feel like you need to at some point
2 or we need to reschedule so you can look over them, that's
3 fine. I just have a couple of pointed questions about them.
4 So I'm going to mark these, this whole packet -- we're on 9.
5 I'm doing really good keeping up with my organization. I'm
6 kind of surprised by that to be honest. This is Exhibit 9.
7 (Exhibit Number 9 was marked.)
8 Q. I want to turn your attention though -- and you
9 can kind of flip through them. But I see there what you're
10 talking about with the transcribing, like there's, you know,
11 question/answer, question/answer.
12 JAMES HOLDER: Uh-huh.
13 MS. TANNER: But if you go down to what's Bates
14 stamped page 50. And I'm not sure -- they should be in
15 order here pretty good.
16 JAMES HOLDER: Okay. I'll try not to mess them
17 up.
18 MS. TANNER: What you're going to find on
19 page 50 -- and I can tell you in this case --
20 JAMES HOLDER: Fifty.
21 MS. TANNER: -- Mr. Blackmon was taken by you and
22 Mr. Munday to Latham Hall. So I have a couple of questions
23 about that, number one.
24 Was it a practice that you had, an investigative
25 practice that you had, to take suspects to the scene of the

1 crime?

2 JAMES HOLDER: Yes.

3 MS. TANNER: It was?

4 JAMES HOLDER: It could be, yes.

5 MS. TANNER: Okay. And why would you take a

6 suspect to the scene of the crime?

7 JAMES HOLDER: Because they would know more about

8 what happened, when it happened, how it happened, why they

9 did what they did. And that they would do things and show

10 you things that only the person involved would know.

11 MS. TANNER: Okay.

12 JAMES HOLDER: Am I making sense?

13 MS. TANNER: That doesn't make sense. So the goal

14 of taking a potential, right, perpetrator to the scene of

15 the crime is so that they can talk to you about the crime,

16 give you information that only the perpetrator potentially

17 would know about the case?

18 JAMES HOLDER: Yeah. Yeah.

19 MS. TANNER: Okay. When you would go on these

20 investigative trips, was it your practice to record those

21 trips in the same way you might record the interrogation of

22 a suspect?

23 JAMES HOLDER: Would it be my practice to -- to

24 record everything, every meeting we had with a suspect and

25 everything is recorded and then dictated and put in the

1 file, no.

2 MS. TANNER: No. So not every meeting. So in

3 this instance Mr. -- and I'll -- I'll tell you. In this

4 instance Mr. Blackmon is going to Latham Hall. So would it

5 have been your practice when you are taking a suspect to the

6 crime scene --

7 JAMES HOLDER: Yes.

8 MS. TANNER: -- to audio recorder that?

9 JAMES HOLDER: Yes.

10 MS. TANNER: Would that have been your practice in

11 late 1979 and early 1980s?

12 JAMES HOLDER: Yes.

13 MS. TANNER: Okay. In this case -- and the

14 reason I had you turn to page --

15 JAMES HOLDER: If we could. If we were allowed to

16 do it. A lot of times the suspect would not allow us to do

17 it.

18 MS. TANNER: Okay. Okay. If the suspect didn't

19 allow you to record it, you wouldn't record it?

20 JAMES HOLDER: Right.

21 MS. TANNER: Okay. Would it have been your

22 practice to audio record that or video record that or both?

23 JAMES HOLDER: Back then, you know, the answer is

24 not video.

25 MS. TANNER: No video, okay. I'm just making

1 sure. I didn't know if CCBI had some special equipment or
2 whatever.
3 JAMES HOLDER: Yeah.
4 MS. TANNER: I was just double-checking.
5 So in Mr. Blackmon's case, I will tell you because
6 that's -- that's going to be helpful to guide our discussion
7 on this. On page 50 is basically where we're at Saint
8 Augustine's --
9 JAMES HOLDER: Okay.
10 MS. TANNER: -- with him, I believe.
11 JAMES HOLDER: Right.
12 MS. TANNER: That is not, in fact, transcribed in
13 the way that the other pieces are, where it's like the
14 question, the answer, the question, the answer. It reads
15 more like a report where someone is repeating the
16 statements.
17 JAMES HOLDER: Yeah. Well, that's possible.
18 MS. TANNER: Do you recall why in this specific
19 case it would not have been audio recorded, this visit to
20 Saint Augustine's would not have been audio recorded?
21 JAMES HOLDER: I don't know. I just -- these were
22 in the investigator's notes. So this was the observation of
23 the investigators. And to be as detailed as it is, that
24 would have been recorded probably by the investigator, the
25 investigative movement instead -- if I'm making sense, it's

1 sort of our -- because these reports all have investigative
2 notes, you know.
3 MS. TANNER: Right.
4 JAMES HOLDER: And then that was -- wasn't that
5 played in court or not? Do you remember?
6 MS. MATOIAN: It may have been played at a
7 preliminary hearing. I'm not -- we don't have transcripts
8 of those either, so we're not sure.
9 MS. TANNER: We're not sure, yeah. But --
10 JAMES HOLDER: But I do remember --
11 MS. TANNER: Tell me more about that, yeah.
12 JAMES HOLDER: I don't know. I just remember that
13 it's -- in court. And I don't know what phase. It could
14 have been preliminary or something. But I remember it being
15 recorded.
16 MS. TANNER: The visit to Latham Hall specifically
17 or just Mr. Blackmon's interviews in general?
18 JAMES HOLDER: During the -- because all those
19 were turned over to the defense attorney.
20 MS. TANNER: The tapes?
21 JAMES HOLDER: Yeah.
22 MS. TANNER: Okay. So do you recall -- just -- I
23 mean just for us to understand.
24 JAMES HOLDER: But investigative notes, that could
25 very well have been noted.

1 MS. TANNER: Do you have a specific recollection
2 as to whether or not that visit to Latham Hall was, in fact,
3 recorded?
4 JAMES HOLDER: I don't know.
5 MS. TANNER: Okay.
6 JAMES HOLDER: The only thing I can say, I just
7 stand by my notes.
8 MS. TANNER: Yeah, no. That's fine.
9 JAMES HOLDER: And that was the reason I have
10 them.
11 MS. TANNER: Yeah. So if it had been sent to be
12 transcribed, would we have a transcript like this where it's
13 like question, answer --
14 JAMES HOLDER: No.
15 MS. TANNER: -- question, answer? Not
16 necessarily?
17 JAMES HOLDER: No.
18 MS. TANNER: Okay.
19 JAMES HOLDER: The investigative notes would be
20 separate.
21 MS. TANNER: Okay. So was there ever -- in your
22 investigations -- because I want to make sure I'm
23 understanding this. So those investigative notes look
24 different to me than the transcripts, right?
25 JAMES HOLDER: Yeah. They would be --

1 MS. TANNER: So how --
2 JAMES HOLDER: -- because they would be separate
3 from --
4 MS. TANNER: From --
5 JAMES HOLDER: If I sit down with you --
6 MS. TANNER: Uh-huh.
7 JAMES HOLDER: -- and I interview you --
8 MS. TANNER: Yeah.
9 JAMES HOLDER: -- it would be --
10 MS. TANNER: The question/answer, question/answer?
11 JAMES HOLDER: Yeah.
12 MS. TANNER: Got it.
13 JAMES HOLDER: But in the summary, I would have
14 separate -- I could have done another -- had a, you know,
15 noted myself of what was going on, if I'm making sense.
16 It's --
17 MS. TANNER: It does make sense.
18 JAMES HOLDER: -- it's sort like you're doing a
19 massive report --
20 MS. TANNER: Right.
21 JAMES HOLDER: -- word for word and then you're
22 asked to do a summary.
23 MS. TANNER: Right. That makes sense.
24 If we do not have a transcript related to that
25 visit to Saint Augustine's College in the file, does that

1 mean there was not a recording of that visit?
2 JAMES HOLDER: Okay. Of the visit to Saint
3 Augustine where we --
4 MS. TANNER: Uh-huh. With Mr. Blackmon.
5 JAMES HOLDER: -- where we walk through and
6 everything?
7 MS. TANNER: Yes, sir.
8 JAMES HOLDER: Is that not what this is?
9 MS. TANNER: So that -- there's not a transcript
10 of that in there. And you can certainly look through it.
11 There's those investigative notes, that really detailed
12 investigative note reports.
13 JAMES HOLDER: Yeah.
14 MS. TANNER: But there's not like a transcript
15 where it's like the question was this, the answer was this.
16 JAMES HOLDER: Oh, yeah, okay.
17 MS. MATOIAN: Because that -- sorry. That whole
18 packet seems to -- I mean it's not just a transcript from
19 one day, it's transcripts from several days where you
20 interviewed him and then the trips to Latham Hall, so
21 there --
22 JAMES HOLDER: Yeah.
23 MS. MATOIAN: -- there's parts where it appears to
24 be transcripts of interviews, and then there's the
25 investigative notes regarding the trips to Latham Hall, but

1 there are no transcript question/answer, question/answer
2 parts related to those visits to Latham Hall.
3 JAMES HOLDER: It was just from the investigative
4 notes that --
5 MS. TANNER: Just that --
6 MS. MATOIAN: Yes, correct.
7 MS. TANNER: -- note section, uh-huh.
8 JAMES HOLDER: Okay. And what was the question?
9 Was that --
10 MS. TANNER: Sure. So I'm going to go back to the
11 question.
12 If we do not have -- I'm going to label the
13 question/answer, question/answer a transcript, okay. And
14 then we'll say the summaries are investigative notes. If we
15 do not have a transcript of that visit to Latham Hall, does
16 that mean it was not recorded?
17 JAMES HOLDER: No. Now, because the investigative
18 notes could very well have been recorded and submitted and
19 logged in because I -- you know, they're not typed in by us.
20 So our --
21 MS. TANNER: Okay.
22 JAMES HOLDER: -- and when you back then
23 investigated, it's just like if you're going on an
24 investigation yourself and you start documenting notes today
25 and you go on, tomorrow you can't get up with so-and-so, the

1 next day you go, hey, I can -- you want to talk, you could
2 do that. And then you make your notes on a recorder or
3 something and you send it all in. And you might -- when you
4 got to be type, you might -- the one who's typing it out,
5 the transcript, might have three tapes of yours that you
6 submitted. One tape, blah, blah, blah; one tape
7 investigative notes; the next tape.
8 MS. TANNER: Okay.
9 JAMES HOLDER: Am I making sense?
10 MS. TANNER: It does. So I'm going to back up to
11 when I really just first started being a lawyer, I used to
12 have a dictaphone. And I want to make sure I'm
13 understanding because this was my practice. My practice was
14 if I went on an interview as a lawyer with somebody, I would
15 put the recorder down somewhere and then I would send that
16 out to be transcribed as an interview.
17 JAMES HOLDER: Yeah, right.
18 MS. MATOIAN: And what I would get back from that
19 is question/answer, question/answer. But sometimes I would
20 go meet with a client and I would say -- get back in the car
21 and I'd pop that recorder on and I'd say this is a summary
22 of my meeting with so-and-so and I would just talk into it.
23 And then I'd send that to my secretary and she'd type that
24 up as a report, okay.
25 When you were doing your practice as a police

1 investigator, did you denote when you were making these
2 recordings which was a report and which was a transcript of
3 a -- or an the interview?
4 JAMES HOLDER: Yes.
5 MS. TANNER: Okay. What you denoted something as
6 an interview, what type of writing do you get back, the
7 question answer or the summary?
8 JAMES HOLDER: We get it all back.
9 MS. TANNER: You get it all back. Okay. So when
10 you went to the -- let's go to the college then and make
11 sure we're really specific. If all we have from the visit
12 with the college in the file is the investigative summary
13 and not a transcript that we've defined as question/answer,
14 question/answer, why would that happen?
15 JAMES HOLDER: So the transcript that we got here
16 is of --
17 MS. TANNER: Other interviews with Mr. Blackmon.
18 JAMES HOLDER: Other interviews with them, okay.
19 MS. TANNER: Uh-huh. And the only thing we have
20 from the visit at Saint Augustine's -- which is fine. It's
21 just what we have -- is the -- what I understand to be an
22 investigative summary as opposed to a transcript where
23 you're at Saint -- let's say I took Catee to Saint
24 Augustine's and I said, Catee, tell me how X -- tell me how
25 you went in the bathroom, and Catee said I didn't X, Y and

1 Z; does that make sense?
2 JAMES HOLDER: Okay. I see what you're saying.
3 Yeah. That -- that again -- yeah. This would have been
4 recorded and would have been entered as investigative notes.
5 And the reason that these were other notes, right?
6 MS. TANNER: The reason the other ones are in
7 transcript form you mean?
8 JAMES HOLDER: Yeah.
9 MS. TANNER: Okay. Yeah. Explain that to me. So
10 why is -- why is that piece in this paragraph form as
11 investigative notes whereas the other interviews --
12 JAMES HOLDER: It might -- might have been that
13 Blackmon didn't want it recorded or because he was leading
14 us.
15 MS. TANNER: Okay.
16 JAMES HOLDER: We were following him.
17 MS. TANNER: Okay.
18 JAMES HOLDER: That's the only thing I can think
19 is -- and that notes were being made, details of what he was
20 doing. Not to be interfering with what he was showing us --
21 MS. TANNER: Okay.
22 JAMES HOLDER: -- he did. So that's the only
23 thing I can think about is that he would have said, no, it
24 would have spooked him, or it would have stopped his train
25 of thoughts or -- because we were following him. He was

1 showing and telling us and we were describing, you know,
2 what he was doing.
3 MS. TANNER: Do you remember that visit
4 independently? I know you -- I know you right now are
5 sitting here and you've looked at your investigative --
6 JAMES HOLDER: Yeah.
7 MS. TANNER: -- or an investigative summary on it,
8 but do you independently recall that visit?
9 JAMES HOLDER: I remember going to the campus with
10 him.
11 MS. TANNER: Okay.
12 JAMES HOLDER: Me and Munday. And I didn't even
13 remember until I just read it that the chief at that time,
14 he was mentioned in my notes of Saint Aug, was there as
15 well. Right? I didn't even remember that.
16 MS. TANNER: Yeah. It was page 50 I think was the
17 visit itself.
18 JAMES HOLDER: Yeah. I didn't remember --
19 MS. TANNER: Sure.
20 JAMES HOLDER: -- Chief Adams. I didn't even
21 remember --
22 MS. TANNER: Chief Adams.
23 JAMES HOLDER: -- I didn't even remember he was --
24 MS. TANNER: There.
25 JAMES HOLDER: -- he was there.

1 MS. TANNER: And he was the chief at Saint --
2 JAMES HOLDER: Saint Aug.
3 MS. TANNER: -- Aug's? Okay.
4 JAMES HOLDER: And he's the one who's -- our
5 source to get onto the campus with Blackmon.
6 MS. TANNER: Got it. So he was who used to get on
7 to campus with Blackmon. Okay.
8 Let me ask a question then a little bit -- if you
9 had a suspect who did not want it recorded, would it have
10 been your practice to have noted that in the file, that the
11 suspect did not want this piece recorded?
12 JAMES HOLDER: It could have been. It could not
13 or could not have.
14 MS. TANNER: Okay.
15 JAMES HOLDER: I mean back then you -- you go
16 with -- with what you've got at that time.
17 MS. TANNER: Sure. And then on this recording
18 with the investigator's note -- I know this seems like a
19 silly question, but walk me through that a little bit. I
20 guess my question is, is that similar to what I'm talking
21 about when I go in and I'm recording my thoughts about
22 what's happening in my client meeting, you know, as opposed
23 to I'm sitting on the table and just letting the
24 conversation be recorded? Is that how -- does that make
25 sense? Is that how the investigator notes are created, is

1 that you're talking into a recording device about what's
2 happening?
3 JAMES HOLDER: I would say, yeah, we were
4 documenting what was going on.
5 MS. TANNER: Okay.
6 JAMES HOLDER: And by -- by the way as to I was
7 like -- you know, I -- I was here and she was there was what
8 he was saying and showing and we were documenting as an
9 investigating notes --
10 MS. TANNER: Got it.
11 JAMES HOLDER: -- as to what he is saying.
12 MS. TANNER: So would it be a fair -- based on --
13 JAMES HOLDER: That's just something we wouldn't
14 be making up. It would be --
15 MS. TANNER: Oh, yeah.
16 JAMES HOLDER: -- something --
17 MS. TANNER: Okay.
18 JAMES HOLDER: -- he was saying.
19 MS. TANNER: So based on your review of pages --
20 it's like 50 and 51 --
21 JAMES HOLDER: Yeah.
22 MS. TANNER: -- in this Exhibit 9, would it be a
23 fair assessment to say that when you were at Latham Hall,
24 you had an audio recorder and you were talking into the
25 recorder --

1 JAMES HOLDER: Describing --
2 MS. TANNER: -- while the visit was happening?
3 JAMES HOLDER: -- describing what -- what me or
4 Munday or whoever, you know --
5 MS. TANNER: Would you have -- do you recall doing
6 that specifically in this case?
7 JAMES HOLDER: I do now because of -- my notes are
8 so on target as to every movement. And if -- if you see, my
9 investigative notes are more like a transcript. It's just
10 not a transcript.
11 MS. TANNER: Okay. Was there ever a time when you
12 were a police officer in the late '70s -- or an
13 investigator, I'm sorry -- in the late '70s, early '80s,
14 that after a visit like this to the -- with a suspect to the
15 crime scene you did not record it as it was happening at the
16 crime scene, but you went back to your office after the
17 visit and then made an investigative summary recording?
18 Would you have done that in your practice?
19 JAMES HOLDER: In a case like this, no. I think
20 that everything I -- in this -- you're talking like just a
21 regular -- no. The things that were -- no. I pretty much
22 would do my recordings at the crime scene.
23 MS. TANNER: Okay. Yeah. Let keep it specific to
24 crime scene. So it --
25 JAMES HOLDER: Yeah. I -- I would -- especially

1 if it's going to be -- you don't know how long it's going to
2 be, what's going to be said. Because you know as good as I
3 do, you can't sit there and go --
4 MS. TANNER: Yeah.
5 JAMES HOLDER: There's no way. Humanly
6 impossible. So I --
7 MS. TANNER: Was --
8 JAMES HOLDER: -- made a recording routine my --
9 my homicide cases like that.
10 MS. TANNER: Visits to the crime scene?
11 JAMES HOLDER: Yes.
12 MS. TANNER: Okay.
13 JAMES HOLDER: If we had a suspect.
14 MS. TANNER: Okay. Was there ever a time that you
15 can recall that you took a suspect to a crime scene and you
16 did not -- I'm going to call that realtime record -- into an
17 audio record what was happening?
18 JAMES HOLDER: With a suspect, no.
19 MS. TANNER: Yes, sir. Okay. How about in --
20 JAMES HOLDER: Now, without a suspect, yeah.
21 MS. TANNER: Without a suspect, yes.
22 JAMES HOLDER: I would. You know, most of the
23 time you can make our notes because we got our drawings and
24 stuff like that. But if you had a suspect. And you're
25 looking for the truth as you do it.

1 MS. TANNER: Okay. So if you went to a crime
2 scene without a suspect -- let me make it even more general
3 than that. If there were --
4 JAMES HOLDER: Why do you keep going around?
5 MS. TANNER: I know. No, I'm not. I just want to
6 make sure I'm clear.
7 JAMES HOLDER: I think you're --
8 MS. TANNER: It's helpful.
9 JAMES HOLDER: -- (inaudible) attorney --
10 MS. TANNER: It's not.
11 JAMES HOLDER: You're --
12 MS. TANNER: This is --
13 JAMES HOLDER: -- trying to get into my mind.
14 MS. TANNER: I'm not. So --
15 JAMES HOLDER: And I'm trying to show you what's
16 in my mind.
17 MS. TANNER: This is super -- so actually, I think
18 that's really helpful --
19 JAMES HOLDER: And --
20 MS. TANNER: -- for us.
21 JAMES HOLDER: -- and I think it's -- one thing I
22 can say about this --
23 MS. TANNER: Yes, sir.
24 JAMES HOLDER: -- everything in here --
25 MS. TANNER: Yes, sir.

1 JAMES HOLDER: -- happened.
2 MS. TANNER: Okay. Everything, and you're
3 pointing to all these statements you're saying?
4 JAMES HOLDER: Yeah.
5 MS. TANNER: Yes.
6 JAMES HOLDER: And investigative notes and all
7 that stuff that revealed -- have y'all -- did you read the
8 court transcripts and stuff?
9 MS. TANNER: We read --
10 MS. MATOIAN: There was no trial in this case.
11 JAMES HOLDER: I know, but --
12 MS. MATOIAN: Yeah.
13 JAMES HOLDER: -- I mean who was the judge? Was
14 there a court reporter? It was --
15 MS. TANNER: We -- we don't have -- so what we
16 don't have are complete transcripts from all the court
17 proceedings. We just don't have those. Because if they
18 didn't put them in the file, in the clerk's file, you know
19 what I mean, like if somebody didn't order the transcript or
20 say we don't have it. We have some partial transcripts
21 related to -- there was a pretty big legal dispute about a
22 motion to suppress these statements.
23 Do you recall --
24 JAMES HOLDER: Yeah.
25 MS. TANNER: -- do recall that legal dispute?

1 JAMES HOLDER: It wouldn't surprise me because of
2 knowing Manning.
3 MS. TANNER: Okay.
4 JAMES HOLDER: You know Manning.
5 MS. TANNER: Yeah.
6 JAMES HOLDER: He's from the old school --
7 MS. MATOIAN: Yeah.
8 JAMES HOLDER: -- and he is -- but it wouldn't
9 surprise me.
10 MS. TANNER: Okay.
11 JAMES HOLDER: But I don't remember.
12 MS. TANNER: so we have some transcripts for
13 that, but yeah, Catee's right, there wasn't really a trial
14 in this case. But that was the big -- that was the big
15 legal dispute. We don't have complete transcripts though.
16 And the best evidence of what we have is actually -- there
17 was an appellate issue that resulted from this motion to
18 suppress and the briefs kind of outline some of the
19 testimony that was there.
20 JAMES HOLDER: So that's going to be --
21 MS. TANNER: Uh-huh. Well, it is -- everything in
22 the case is relevant to the new evidence. That's -- that --
23 we look for new evidence. So everything in the case is
24 relevant to what the Commission considers.
25 I do have a question about that. That brings up a

1 good point. And, yes, you're right, I am asking around, but
2 they are -- they're a little -- each question is just -- is
3 just a hair different.
4 JAMES HOLDER: I was just --
5 MS. TANNER: Because it helps us to understand.
6 JAMES HOLDER: I was just picking at you.
7 MS. TANNER: Oh, I know. I5 helps us to
8 understand.
9 JAMES HOLDER: What kind of new evidence do you
10 have?
11 MS. TANNER: Our investigations are unfortunately
12 confidential.
13 JAMES HOLDER: I shared with you --
14 MS. TANNER: I know you did. So if it makes you
15 feel any better, our statute gives us the authority to go
16 get police records. Nonetheless, what I will tell you is
17 that Mr. Blackmon's hearing is November 14th, 15th, and
18 16th.
19 MS. MATOIAN: Uh-huh.
20 MS. TANNER: We are right down here at AOC, you
21 know on --
22 MS. MATOIAN: Corporate Center Drive.
23 MS. TANNER: -- Corporate Center Drive right over
24 there by that Sheetz, that nice Sheetz on Chapel Hill Road.
25 It's almost like between Cary and Raleigh, kind of where the

1 Fairgrounds -- right before you get out to the
2 fairgrounds --
3 JAMES HOLDER: Okay.
4 MS. TANNER: -- on 54. And I will leave you my
5 card so you have it.
6 JAMES HOLDER: I got your card. You left it --
7 MS. TANNER: Oh, that's right.
8 JAMES HOLDER: (Inaudible.)
9 MS. TANNER: See, look. It's 14th, 15th and 16th.
10 The hearings are actually open to the public.
11 JAMES HOLDER: Oh, that's fine. Whatever you
12 want -- whatever y'all decided to do (inaudible).
13 MS. TANNER: Yeah, that's right. Now, I did
14 want -- so actually, that was really helpful to me to kind
15 of understand that piece of it. I did want to ask if you
16 recalled in this case any investigation as to prostitution
17 or drugs on the sixth floor of Latham Hall. Do you remember
18 any piece of that?
19 JAMES HOLDER: No.
20 MS. TANNER: Okay.
21 JAMES HOLDER: That wouldn't surprise me, I mean.
22 A campus --
23 MS. TANNER: And tell me more about that.
24 JAMES HOLDER: I mean most campuses got it going
25 on. I mean --

1 MS. TANNER: Yeah. I have -- this is kind of --
2 I'm sorry, this is just something I have a question about in
3 general.
4 When -- in 19 -- late 1970s and the early 1980s,
5 have much weight in your investigations did you place on
6 eyewitness identification of suspects?
7 JAMES HOLDER: Without any other evidence?
8 MS. TANNER: Yeah. Let's take -- let's take it in
9 a vacuum.
10 JAMES HOLDER: Okay.
11 MS. TANNER: So identification of a suspect,
12 either I didn't identify this person as a suspect or I did
13 identify this person as a suspect. How much weight did you
14 put on that in your investigations?
15 JAMES HOLDER: Not a 100 percent.
16 MS. TANNER: And why? Just curiosity, why?
17 JAMES HOLDER: People can make mistakes.
18 MS. TANNER: Okay. Does -- so I know we were
19 looking at -- you're looking at this case, right, several
20 years after the actual crime when you get involved.
21 JAMES HOLDER: Yeah, uh-huh.
22 MS. TANNER: Back when you were doing this in the
23 late '70s early '80s, did that passage of time affect
24 the way you would give eyewitness identification related to
25 a suspect?

1 JAMES HOLDER: The passage of time?
2 MS. TANNER: Yeah. So if the crime was -- in this
3 case it was several years. If you were talking to somebody
4 in 1982 or 3 when you're were investigating a crime that
5 happened in 1979, did the fact that there was time that had
6 passed affect the weight you gave an eyewitness, the
7 credibility of an eyewitness?
8 JAMES HOLDER: Because of the time span, I
9 don't -- possibly.
10 MS. TANNER: Okay. And then let me just look here
11 because I think I've got -- I know you said you weren't
12 surprised about the dispute about the suppression of the
13 statements because of Mr. -- Mr. Manning.
14 JAMES HOLDER: The only reason I say that --
15 MS. TANNER: Uh-huh.
16 JAMES HOLDER: -- is because I've got great
17 respect for Mr. Manning.
18 MS. TANNER: Absolutely.
19 JAMES HOLDER: And I tell you what, I've seen him
20 operate in court before and he has had some hard, hard
21 cases.
22 MS. TANNER: Yeah.
23 JAMES HOLDER: (Inaudible.)
24 MS. TANNER: Do recall in this particular case
25 that the issue at that time was whether or not Mr. Blackmon

1 gave the statements to you and Mr. Munday voluntarily?
2 JAMES HOLDER: Yeah.
3 MS. TANNER: Do you remember that?
4 JAMES HOLDER: Yeah. Yes, I do.
5 MS. TANNER: Okay. Was there ever a question in
6 your mind in speaking with Mr. Blackmon about his mental
7 health as it related to him being able to report to you any
8 alleged involvement in crime?
9 JAMES HOLDER: I know that the times that I've
10 dealt with him --
11 MS. TANNER: Yes, sir.
12 JAMES HOLDER: -- he -- he only showed me the side
13 of him that seemed completely normal.
14 MS. TANNER: Okay.
15 JAMES HOLDER: When I dealt with him, if I'm
16 making sense.
17 MS. TANNER: Sure, yeah.
18 JAMES HOLDER: Because sometimes you -- you deal
19 with people you know they're off the cuff.
20 MS. TANNER: When you say "off the cuff," you mean
21 they're -- what do you mean? I don't want to put words in
22 your mouth. What do you mean?
23 JAMES HOLDER: They just -- they don't -- they
24 aren't making what you would consider normal conversations,
25 I guess.

1 MS. TANNER: Okay.

2 JAMES HOLDER: Just like you and I, if I would sit

3 here and go off and jerk and say I don't know nothing --

4 MS. TANNER: Right.

5 JAMES HOLDER: -- you know, you're going to think,

6 hey, this guy is, you know, but -- I just -- yeah, he was

7 very cooperative.

8 MS. TANNER: Okay.

9 JAMES HOLDER: And he -- but I can't remember even

10 what he looks like.

11 MS. TANNER: No, that's okay. I do have one kind

12 a final series of questions.

13 So we know from this -- the report that we

14 originally looked at -- let me make sure I got my number

15 right -- Exhibit 4 that the confidential source information

16 came in around February of 1983. And I think if you look at

17 page 50 of Exhibit 9, that visit to Latham Hall happened it

18 late October of 1983?

19 JAMES HOLDER: If that's what it says, that's what

20 it is.

21 MS. TANNER: Okay. And I will tell you that

22 Mr. Blackmon was arrested on December 7, 1983. I'm sure we

23 have a document somewhere in here that shows that. But do

24 you recall why Mr. Blackmon was not arrested for -- until

25 December of 1983?

1 JAMES HOLDER: Yeah.
2 MS. TANNER: Okay. I'm going to ask that same
3 question I asked then again about kind of your practice.
4 Would there have been in your practice as a police
5 officer in the late '70s and early -- or as an
6 investigator in the late '70s and early '80s a reason to
7 wait, or reasons, to wait to arrest a suspect in a murder
8 for that length of time?
9 JAMES HOLDER: Would I find that --
10 MS. TANNER: Would there be reasons for that to
11 happen?
12 JAMES HOLDER: I don't know.
13 MS. TANNER: Okay. Was that unusual in your
14 experience in your cases?
15 JAMES HOLDER: Was it unusual?
16 MS. TANNER: Yes, sir.
17 JAMES HOLDER: Not necessarily. We -- no, not --
18 it depends on the circumstances, I think.
19 MS. TANNER: Okay. In the late '70s and early
20 '80s in your practice, what was it you believed that you
21 wanted to have before you finally arrested a suspect?
22 Let me ask that a different way. Was there any
23 set of specific things that you were like I've got to have
24 these boxes checked off before I -- I arrest someone?
25 JAMES HOLDER: No.

1 MS. TANNER: Okay.
2 JAMES HOLDER: And the thing emphasized was
3 just -- just being truthful.
4 MS. TANNER: Okay.
5 JAMES HOLDER: That's what I usually relied on.
6 MS. TANNER: Okay. If you can remember this, were
7 you at any point between February 1983 and when Mr. Blackmon
8 was arrested on December 7, 1983, concerned about Blackmon
9 being out in the community?
10 JAMES HOLDER: Was I concerned about it?
11 MS. TANNER: Yes, sir.
12 JAMES HOLDER: I don't know how I felt because I
13 was relying on other professionals to make those kind of
14 decisions, not -- you know, not us.
15 MS. TANNER: Okay.
16 JAMES HOLDER: I mean we could certainly if we
17 had -- I don't know. It all depends on the circumstances --
18 MS. TANNER: Sure, yeah.
19 JAMES HOLDER: -- and who it is. Because he -- he
20 was out of Dix how long?
21 MS. TANNER: He was -- so while he was in Dix,
22 what the records say is that he was allowed to leave campus
23 here and there.
24 JAMES HOLDER: Yeah.
25 MS. TANNER: He was out of Dix -- I can't give you

1 the exact time frame, but there's like a couple of weeks
2 here and there where he's out for, you know, a month at a
3 time here, two months here and then --
4 JAMES HOLDER: Back.
5 MS. TANNER: -- back. Uh-huh.
6 JAMES HOLDER: Okay.
7 MS. TANNER: And then back.
8 JAMES HOLDER: Okay.
9 MS. TANNER: So there -- I mean there's a
10 couple -- there's definitely some weeks long periods where
11 he's -- he's out of Dix.
12 Okay. I don't think -- I can't believe this, but
13 actually don't have any more questions, though --
14 JAMES HOLDER: Well, you did a good job.
15 MS. TANNER: Do you have any more questions right
16 now?
17 MS. MATOIAN: I don't.
18 JAMES HOLDER: At she did, too --
19 MS. TANNER: Yeah.
20 JAMES HOLDER: -- when I talked to her on the
21 phone.
22 MS. MATOIAN: Yeah.
23 MS. TANNER: Yes.
24 [redacted]
25 [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted].

JAMES HOLDER: [redacted]

[redacted]

[redacted]

[redacted]

[redacted] And thanks for going back like you did. I want to tell you --

MS. TANNER: You're sharp.

JAMES HOLDER: -- (inaudible) between 19- --

MS. MATOIAN: 1979 and the late -- and the early '80s.

JAMES HOLDER: She had to throw that damn attorney crap in there. You know, between 1970 --

MS. TANNER: Well --

JAMES HOLDER: -- and talk about --

MS. MATOIAN: She is nothing --

JAMES HOLDER: -- the Raleigh Police Department --

MS. MATOIAN: -- if not an attorney.

MS. TANNER: It's true. It's absolutely true.

JAMES HOLDER: Well, did you have any horses back then. But she would start back -- it was pretty cute. I tell you, that's -- but life is good. You sort of, you know, when you get up in age, you sort of look at now quality versus quantity.

MS. TANNER: I understand.

JAMES HOLDER: So -- but right now --

[redacted]

JAMES HOLDER: And then having somebody like your partner -- you're pretty good, but your partner here she's -- I'm joking.

MS. TANNER: Now, I do -- I do -- now this is a real lawyer question here.

JAMES HOLDER: Uh-huh.

MS. TANNER: One of the things that's kind of important to me when we wrap up is we -- I've asked a lot of questions that I have, but I do want to give you the

1 opportunity if there's anything about this case that you
2 remember or that you think is important that we should know,
3 I want to give you the opportunity to talk to us about that
4 or tell us about that just so we don't miss it. Is there
5 anything like that?
6 JAMES HOLDER: Yeah. It's just that that's such a
7 while ago and then we -- I just have to stick by what --
8 MS. MATOIAN: Yeah.
9 MS. TANNER: Sure.
10 JAMES HOLDER: Thank goodness I did that.
11 MS. MATOIAN: We must -- we've seen from -- more
12 recently than this some cases that are not documented any
13 near as well as yours.
14 MS. TANNER: That's right. It happens.
15 JAMES HOLDER: Thank you.
16 MS. TANNER: We appreciate --
17 MS. MATOIAN: It's a blessing --
18 MS. TANNER: -- we appreciate it.
19 MS. MATOIAN: -- to have what you have.
20 MS. TANNER: This is --
21 JAMES HOLDER: Yeah.
22 MS. TANNER: Yeah. This is where we start --
23 JAMES HOLDER: Yeah.
24 MS. TANNER: -- is the documents, yeah.
25 JAMES HOLDER: Well, you try to -- you know,

1 you -- you do with what you've got and what you're given
2 and --
3 MS. TANNER: That's right.
4 JAMES HOLDER: -- you go with.
5 MS. TANNER: Unfortunately the last thing is
6 the -- we do have a hearing. I -- I do not know for sure.
7 I can tell you that I don't anticipate necessarily that you
8 would be called to the hearing, but we do have a subpoena
9 that's essentially standby for your presence. The
10 Commission --
11 MS. MATOIAN: I don't think it's written like
12 standby, but we're telling you it's --
13 JAMES HOLDER: Okay.
14 MS. TANNER: Yeah, it's, standby.
15 MS. MATOIAN: -- standby.
16 MS. TANNER: So the way that will work is, if you
17 don't mind, which I can understand, if you don't mind
18 sharing with me a number, I can call you, or the other
19 option is that you can call me every -- every morning and
20 check, or you can come and see if you're needed that day.
21 The subpoena is written for the three days. You would never
22 be needed all three days, you know what I mean. So either
23 one -- either -- either -- however you want to do it is
24 fine.
25 What the Commission is made up of, the commission

1 members -- we're staff, but the commission members are
2 actually made up of eight different people from the
3 judicial -- or the criminal justice system really, not
4 judicial system. We have a superior court judge, a sheriff,
5 a district attorney, a defense attorney, a community member
6 and two other members who --
7 MS. MATOIAN: And we have an advocate.
8 MS. TANNER: -- happen to be lawyers and a victim
9 advocate, that's right. The community member is not a
10 lawyer and several of the other members are not lawyers.
11 But the goal of the Commission then is, of course, this
12 neutral review, right, of the case, so everybody is there.
13 What happens at the Commission hearings is, if a
14 witness comes, the director is presenting the evidence. The
15 director is Lindsey Guice Smith and she would ask a few
16 questions, but the commissioners have the opportunity to ask
17 questions.
18 With law enforcement, in this particular case, a
19 lot of times we do say here's a subpoena, we'll put you on
20 standby. Can we get a number and tell you whether you're
21 needed just because what we'll say is, hey, commissioners do
22 you have questions of the law enforcement in this case. And
23 if they say, no, we're good, you're not needed.
24 JAMES HOLDER: Right.
25 MS. TANNER: You know what I mean?

JAMES HOLDER: Yeah.

MS. TANNER: That's kind of how it works. So how would you like to work that?

JAMES HOLDER: Yeah. I mean if -- whatever -- you know, whatever you need.

MS. TANNER: Okay. If I can --

MS. MATOIAN: Do you have a phone number?

MS. TANNER: Yeah. If I can get a phone number, I'll just write it down, put it on a sticky note and then --

[redacted]

MS. TANNER: Okay.

JAMES HOLDER: And that should be a good number that you can leave a lengthy message if you want to.

MS. TANNER: Sure. okay. We will do it.

JAMES HOLDER: So around the -- is it the 14th or something?

MS. TANNER: We'll probably be calling you the 13th, either one of us.

MS. MATOIAN: Yeah. Because they're still -- we're still in prepping process about what order everything goes in, so getting closer to it, we'd be able to give you a more specific time that you may be needed.

JAMES HOLDER: Okay.

[redacted]

1 [redacted]

2 [redacted]

3 MS. TANNER: [redacted] And if I

6 go back and we talked to Lindsey on this case and we just

7 decide, hey, you don't need to worry about it, I'll let you

8 know that too.

9 JAMES HOLDER: Yeah.

10 MS. TANNER: Okay.

11 JAMES HOLDER: I'd be interested to know though

12 if -- what the other piece of evidence is just -- just

13 for --

14 MS. TANNER: Sure.

15 JAMES HOLDER: -- my curiosity. So even if I'm

16 not needed, I might call you and ask.

17 MS. TANNER: Find out.

18 MS. MATOIAN: Sure.

19 JAMES HOLDER: I'm trying to --

20 MS. TANNER: So actually --

21 JAMES HOLDER: I'm trying to think if somebody

22 else may be taking the blame for it or something.

23 MS. TANNER: So --

24 JAMES HOLDER: I figured that, you know, in a case

25 like this, you never know.

1 MS. TANNER: Yeah. That's actually true. So what
2 happens in the commission hearing is if the commissioners
3 vote that the case moves forward to the three-judge panel --
4 remember we talked about they're just voting if there's
5 sufficient evidence -- the record of what happened at the
6 commission hearing actually becomes public. So we file that
7 as public with the clerk.
8 JAMES HOLDER: Okay.
9 MS. TANNER: So if that happens, you can either --
10 you can come and hear it at the commission hearing, whether
11 it's voted for or not, you will hear it there.
12 MS. MATOIAN: Or it will eventually go up on our
13 website.
14 MS. TANNER: If not, it will eventually go up on
15 our website. But yeah, if you call, I'll be able to say,
16 hey, you know, at the point at which it becomes public, we
17 can definitely share that information.
18 JAMES HOLDER: Yeah. Yeah. Even though I'm not
19 in the business anymore --
20 MS. TANNER: That's right. It's still
21 interesting, right?
22 JAMES HOLDER: -- it would be -- it would
23 interesting to see what --
24 MS. MATOIAN: Does it ever leave you?
25 MS. TANNER: Yeah. This is super interesting.

1 It's also -- it's a nice little gig to be neutral as a
2 lawyer. That's a pretty good --
3 JAMES HOLDER: Yeah.
4 MS. TANNER: -- pretty good job.
5 JAMES HOLDER: (Inaudible.)
6 MS. TANNER: All right. Thank you so much for
7 your time. Thank you.
8 JAMES HOLDER: Where's that -- has that got the
9 address on there?
10 MS. MATOIAN: It does. The address is -- you're
11 going to see right here, this 901 Corporate Center Drive.
12 That's us.
13 JAMES HOLDER: Okay. And that's right off of 54?
14 MS. TANNER: Right off of 54, yes, sir.
15 MS. MATOIAN: Yeah.
16 JAMES HOLDER: Okay.
17 MS. TANNER: Yeah.
18 MS. MATOIAN: Right by PNC Arena.
19 MS. TANNER: It was nice to meet you.
20 JAMES HOLDER: Nice to meet you.
21 MS. MATOIAN: It was very nice to meet you.
22 JAMES HOLDER: Take care. Y'all take care.
23 MS. MATOIAN: Thank you.
24 JAMES HOLDER: Uh-huh.
25 MS. MATOIAN: Have a good day.

1 JAMES HOLDER: All right. You guys, too.
2 MS. MATOIAN: Thank you.
3 (End of recording.)
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CERTIFICATION OF TRANSCRIPT

This is to certify that the 121 pages of this transcript of the recorded interview of James Holder was taken on October 30, 2018, is a true and accurate transcript to the best of my ability.

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

This the 1st day of November 2018.

DONNA ROWE
1040 Lake Shore Drive
Wendell, NC 27591
ddrsteno@gmail.com

NORTH CAROLINA
WAKE COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA,

Plaintiff,

vs.

JAMES BLACKMON,

Defendant.

FILE NO. 83 CRS 84695

This is the transcript of a recorded interview taken of Andrew Munday which was conducted by Catherine Matoian from the North Carolina Innocence Inquiry Commission. The recorded interview took place on February 20, 2014.

APPEARANCES:

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

Also present:

Adam Wrenn, Case Coordinator

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

2 MA. MATOIAN: … do our introductions.

3 Like I said, I'm Catherine Matoian. I'm a grant

4 staff attorney with the Innocence Inquiry

5 Commission.

6 MR. MUNDAY: You're who?

7 MS. MATOIAN: Catherine with a C.

8 MR. MUNDAY: Okay. Last name?

9 MS. MATOIAN: M-A-T-O-I-A-N.

10 MR. MUNDAY: Okay.

11 MS. MATOIAN: And this is Adam Wrenn.

12 He is our case coordinator.

13 And I don't know how familiar you are

14 with the Innocence Inquiry Commission, but just

15 so you know, we're a neutral State agency that

16 investigates claims of innocence by people who

17 have been convicted of crimes. We don't

18 represent our claimants. We'll never represent

19 them. We're just a neutral fact-finding agency.

20 So we're here today about James

21 Blackmon, which is the case that you were a lead

22 detective on. Do you remember when you were

23 first assigned to Mr. Blackmon's case?

24 MR. MUNDAY: I don't. What was the

25 date of the offense occurred?

1 MS. MATOIAN: The date of the offense
2 was 9/28/1979.
3 MR. MUNDAY: 9/28/79. It started off
4 as an assault-with-a-deadly-weapon case and,
5 ultimately, ended up as a homicide case.
6 MS. MATOIAN: Yes.
7 MR. MUNDAY: How far down the road did
8 that happen?
9 MS. MATOIAN: I believe it was almost
10 exactly a month or -- I think she died on October
11 30th.
12 MR. MUNDAY: Okay.
13 MS. MATOIAN: So almost a month later.
14 MR. MUNDAY: Okay.
15 MS. MATOIAN: And then I believe with
16 the information that I have that you and
17 Detective Holder were not --
18 (PHONE RINGING IN THE BACKGROUND)
19 MR. MUNDAY: Yeah.
20 MS. MATOIAN: -- assigned to --
21 MR. MUNDAY: (indiscernible) with
22 that.
23 MS. MATOIAN: Okay.
24 MR. MUNDAY: Maybe that will work.
25 MS. MATOIAN: Okay. Until around

1982.

MR. MUNDAY: So Holder and I were assigned in '82?

MS. MATOIAN: Uh-huh.

MR. MUNDAY: Okay.

MS. MATOIAN: Because I believe the original investigation -- they had a ton of suspects, but it went cold.

MR. MUNDAY: Yeah.

MS. MATOIAN: But do you remember if you worked at all during the original investigation or --

MR. MUNDAY: I did not.

MS. MATOIAN: You did not, okay. And when you were assigned, was that a cold case or just --

MR. MUNDAY: As I recall, we were assigned as a cold case, yes. Have you had a chance to speak with Holder yet?

MS. MATOIAN: I did. I spoke to him I think last week or the week before, and he didn't seem to remember much it, which is understandable because it's been a very long time.

Some few things I had some questions about. Do you remember anything about the

1 fingerprints that were taken from the bathroom
2 stall?
3 MR. MUNDAY: I do not.
4 MS. MATOIAN: Okay. And if you
5 recall, the reason that Mr. Blackmon became a
6 suspect was through a source from Dorothea Dix
7 Hospital.
8 MR. MUNDAY: Seems like that might
9 have been the case. That information didn't come
10 directly to me, so --
11 MS. MATOIAN: I think I -- I have the
12 report here. I think the officer that it came
13 to, his last name was Lockey. I don't know if
14 that signature looks familiar to you at all.
15 MR. MUNDAY: Yes. Nelson Lockey.
16 MS. MATOIAN: Nelson Lockey. Do you
17 know if he's still around at all?
18 MR. MUNDAY: Passed away about two
19 weeks ago.
20 MS. MATOIAN: Oh, no. I'm sorry to
21 hear that.
22 MR. MUNDAY: Yeah, in Wilson. He
23 lived in Wilson.
24 MS. MATOIAN: I'm sorry to hear that.
25 MR. MUNDAY: Yeah.

1 MS. MATOIAN: Did you know who the
2 source was? Did Mr. Lockey ever tell you?
3 MR. MUNDAY: I didn't.
4 MS. MATOIAN: No?
5 MR. MUNDAY: I didn't get that
6 original information (indiscernible).
7 MS. MATOIAN: We're trying to
8 determine if there was another patient at the
9 hospital or someone worked at the hospital. I
10 wasn't sure if you had any information about
11 that. All right.
12 And we've been looking for the
13 evidence. Do you remember taking it to court
14 with you for any of the preliminary hearings?
15 MR. MUNDAY: What type of evidence did
16 we have at that time?
17 MS. MATOIAN: There was the shirt that
18 was found in the woods with blood on it, and then
19 a knife that was found in the dorm room.
20 MR. WRENN: There was a burgundy
21 Dashiki shirt.
22 MS. MATOIAN: Yeah.
23 MR. MUNDAY: That's right, yes. I
24 remember seeing now photographs or either
25 diagrams because we had those posted every which

1 way. I remember those items now, but as to where
2 they may be I have no idea.
3 MS. MATOIAN: Okay. Do you remember
4 from around that time, the early '80s, say you
5 did bring evidence in for a preliminary hearing
6 and that defendant ended up taking a plea? Do
7 you remember, would you take the evidence back to
8 the police department or would it usually stay
9 with the clerk?
10 MR. MUNDAY: If there was a plea on
11 the case -- is that what happened on this case,
12 it was pled out?
13 MS. MATOIAN: He didn't take a plea
14 for -- after you arrested him in 1993, he didn't
15 end up taking a -- or 1983, sorry, he didn't take
16 a plea until 1988, so it was a few years.
17 MR. MUNDAY: Oh. I would think that
18 the usual procedure would be if a plea was taken
19 that it would be turned in at that time to the
20 clerk's office. I can't swear to that. Does --
21 is there any record of the evidence chain still
22 available?
23 MS. MATOIAN: There's a record of it
24 being there, but there's no record -- it could
25 have been destroyed and there's just no record of

1 it. We're just kind of trying to cover all the
2 bases and see.
3 MR. MUNDAY: There should be a record
4 when it was checked out. Any time it was checked
5 out and went back in, there should be a record of
6 that. And if it was checked out on such and such
7 date maybe say to go to court --
8 MS. MATOIAN: Uh-huh.
9 MR. MUNDAY: -- if the record is still
10 there, it should reflect that. And if it was
11 turned over to the court system, the record
12 should reflect that.
13 MS. MATOIAN: When you first started
14 your investigation, the reports indicate that at
15 that time you were still pretty suspicious of the
16 other girls in the dorm room. Do you remember
17 anything about them?
18 MR. MUNDAY: You know, at the time,
19 this is just as best as I can remember. At the
20 time that Holder and I became involved in this
21 case, either very soon after we got involved or
22 maybe as a result, James Blackmon had been
23 developed as a potential suspect. And at that
24 point, I personally don't remember looking at any
25 of those other leads. I don't know whether we

1 did or we didn't. I just don't recall any of
2 that.
3 MS. MATOIAN: Okay. Is there anything
4 else in particular that you remember about the
5 case?
6 MR. MUNDAY: I don't -- just numerous
7 interviews with James Blackmon. I can't -- from
8 the -- he was arrested on what time -- in what
9 period of time?
10 MS. MATOIAN: I believe he was
11 arrested -- I was just looking at this --
12 November or December 1983.
13 MR. MUNDAY: Okay. Arrested. I'm
14 just trying to think back over what period of
15 time transpired as to -- so just looking at these
16 dates from '82 that Holder and I were assigned to
17 '83, as I recall James Blackmon was the focus of
18 the investigation, and most of our evidence, as I
19 recall, were focused towards James. He came in
20 on numerous times to be interviewed. Sometimes
21 we picked him up. Sometimes he came in on his
22 own. I remember him doing the interviews
23 speaking kind of in the third person, you know.
24 He was kind of a strange individual, wore a cape

1 most of the time, was a street person, was a
2 tough individual, I think.
3 At times, over the years, he had had a
4 number of issues, I think. At times, he was what
5 I would consider kind of a gentle type guy, but
6 at times he was easily agitated, which was kind
7 of the angle that we played with him trying to
8 get him to -- rather than us having to pick him
9 up, and we wanted him to feel comfortable that he
10 wanted to talk to us. And, of course, that was
11 our objective to get him in and talk to him about
12 this matter.
13 MS. MATOIAN: Did you ever feel like
14 he was faking any of his mental illness?
15 MR. MUNDAY: I think that James knew
16 how to convince the people at Dorothea Dix that
17 he needed to be admitted. I think that was
18 almost a game for him. If he felt like he needed
19 to go in there, he knew what he needed to do to
20 go there and convince them. And I think that was
21 the turn-on/turn-off thing that he could do on
22 his own.
23 MS. MATOIAN: Well -- oh, I know
24 sometimes we've had detectives in other cases who
25 took files with them when they left the police

1 department. You haven't taken anything with you?
2 MR. MUNDAY: No.
3 MS. MATOIAN: Okay.
4 MR. MUNDAY: I had too many files with
5 me.
6 MS. MATOIAN: I bet you did. Okay.
7 Well, I think that's all the questions that I
8 have. I know it's been a long time. I
9 appreciate you taking the time to speak with me.
10 MR. WRENN: Absolutely. We definitely
11 appreciate it.
12 MR. MUNDAY: You know, I'm sorry I
13 couldn't help you any more, you know. If you
14 knew specifics, I could try to address them, but
15 you know, again, I have not read this case or
16 seen anything on this case since --
17 MS. MATOIAN: In almost 30 years.
18 MR. MUNDAY: -- then, you know, so
19 since this potential came back, I've had on
20 occasion to think about it some, but you know --
21 MS. MATOIAN: Yeah.
22 MR. MUNDAY: -- that's about all I
23 know. That's the reason I was interested in the
24 dates. I couldn't -- I knew there was a time
25 lapse from the time it occurred to the time that

1 we got it, the homicide unit got involved in it,
2 and then a time that transpired, a relatively
3 long period of time before we actually ended up
4 making an arrest.
5 MS. MATOIAN: Yeah. Yeah. Well, I do
6 appreciate it. I'm going to leave my card with
7 you. If you, you know, happen to think about it
8 anymore and remember anything, I would appreciate
9 it.
10 MR. MUNDAY: What was the -- if you
11 know, who was the prosecutor at the time?
12 MS. MATOIAN: Bill Hart was the ADA.
13 MR. MUNDAY: Okay.
14 MS. MATOIAN: And then he also handled
15 it when it went on appeal because he was at the
16 AG's office at that time.
17 MR. MUNDAY: Okay. Good enough.
18 MS. MATOIAN: You know, I don't
19 remember the name. I know at one point one
20 interview occurred in the DA's office with a
21 woman and Mr. Blackmon had come into the DA's
22 office, but I don't remember what her name is.
23 And that was -- I believe you arrested him either
24 at that meeting or shortly after it.
25 MR. MUNDAY: And that was a woman?

1 MS. MATOIAN: I think so.

2 MR. MUNDAY: I'm just trying to think

3 who that could have been.

4 MS. MATOIAN: Yeah. I can -- I have

5 the report back at the office and I could --

6 MR. MUNDAY: No. Those are just

7 curiosity.

8 MS. MATOIAN: Yeah.

9 MR. MUNDAY: Evelyn Hill maybe.

10 MS. MATOIAN: That does sound kind of

11 familiar.

12 MR. WRENN: It could be her. That

13 definitely could be her because she was obviously

14 a witness that was interviewed as far as the

15 case, so --

16 MR. MUNDAY: Yeah.

17 MS. MATOIAN: I appreciate it so much.

18 MR. WRENN: Absolutely. Thanks again.

19 MR. MUNDAY: Well, that was quick.

20 (The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 13 pages of this transcript of the recorded interview of Andrew Munday was taken on February 20, 2014, is a true and accurate transcript to the best of my ability.

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

This is the 23rd day of August, 2018.

Gloria Veilleux

GLORIA VEILLEUX
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 83 CRS 84695

STATE OF NORTH CAROLINA,

Petitioner,

vs.

JAMES ANDREW BLACKMON,

Defendant.

TRANSCRIPT

Telephone Interview

This is the transcript of the recorded telephone interview taken of Andrew Munday, which was conducted by Julie Bridenstine, Staff Attorney, from the North Carolina Innocence Inquiry Commission. The telephone interview took place on May 15, 2018.

APPEARANCES:

Julie Bridenstine, Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Andrew Munday - (via telephone)

Transcribed by Donna Rowe - ddrsteno@gmail.com

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

2 ANDREW MUNDAY: Hello.

3 MS. BRIDENSTINE: Hi. Is Andrew Munday there?

4 ANDREW MUNDAY: This is he.

5 MS. BRIDENSTINE: Hi, Mr. Munday. This is Julie

6 Bridenstine with the North Carolina Innocence Inquiry

7 Commission. How are you doing?

8 ANDREW MUNDAY: Good.

9 MS. BRIDENSTINE: Good. I'm just following up on

10 that email I sent to you. I got your reply that the photo

11 wasn't James Blackmon. I just wanted to follow up and say

12 -- ask if you recognize the man in the photo?

13 ANDREW MUNDAY: I do not.

14 MS. BRIDENSTINE: Do you have any idea why it

15 might have been taped to the file?

16 ANDREW MUNDAY: I have no idea.

17 MS. BRIDENSTINE: Okay.

18 ANDREW MUNDAY: You know, I could say that I've

19 seen the picture before, but I'm not sure of that. I mean

20 he does look familiar, but I have no idea whether it was

21 something that came up during the time that we were

22 investigating the case or what.

23 MS. BRIDENSTINE: Okay.

24 ANDREW MUNDAY: I just can't say.

25 MS. BRIDENSTINE: Okay. All right.

1 ANDREW MUNDAY: I don't have a clue, really.
2 MS. BRIDENSTINE: Did you -- did you recognize the
3 handwriting on the date maybe?
4 ANDREW MUNDAY: I did recognize the handwriting as
5 not being mine.
6 MS. BRIDENSTINE: Okay.
7 ANDREW MUNDAY: And I don't know who else it could
8 have been, you know.
9 MS. BRIDENSTINE: Okay.
10 ANDREW MUNDAY: But I do know it was not my
11 handwriting.
12 MS. BRIDENSTINE: All right. Well, those are all
13 my questions and thanks a lot.
14 ANDREW MUNDAY: Okay. No problem.
15 MS. BRIDENSTINE: All right. Thanks.
16 ANDREW MUNDAY: Bye.
17 MS. BRIDENSTINE: Bye.
18 (End of the recording.)
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T R A N S C R I P T C E R T I F I C A T E

This is to certify that the foregoing 4 pages of this transcript of the recorded interview of Andrew Munday that was taken on May 15, 2018, is a true and accurate transcript to the best of my ability due to the quality of the audio recording presented for transcription.

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

This the 13th day of September 2018.

DONNA ROWE
1040 Lake Shore Drive
Wendell, NC 27591
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ddrsteno@gmail.com

NORTH CAROLINA
WAKE COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER 83 CRS 84695

STATE OF NORTH CAROLINA,

Petitioner,

vs.

Defendant.

T R A N S C R I P T

Interview of Andrew Munday

This is the transcript of the recorded interview taken of Andrew Munday, which was conducted by Donna "Beth" Tanner, Associate Director, and Catherine Matoian, Grant Staff Attorney, from the North Carolina Innocence Inquiry Commission. The recorded interview took place on November 1, 2018.

APPEARANCES:

Donna "Beth" Tanner, Associate Director
Catherine Matoian, Grant Staff Attorney
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

Also Present:

Andrew Munday

Transcribed by Donna Rowe - ddrsteno@gmail.com

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

2 MS. TANNER: Hello.

3 MS. MATOIAN: Hello again.

4 MS. TANNER: How are you?

5 ANDREW MUNDAY: Good.

6 MS. TANNER: Thank you for having us.

7 ANDREW MUNDAY: It's bad luck coming in that door.

8 MS. MATOIAN: Is it?

9 MS. TANNER: Is it? What happened?

10 ANDREW MUNDAY: You can come on.

11 MS. MATOIAN: Okay.

12 ANDREW MUNDAY: Nobody ever uses that door.

13 MS. TANNER: Hello, I'm Beth.

14 ANDREW MUNDAY: Unless they're trying to sell

15 something.

16 MS. TANNER: I'm not.

17 ANDREW MUNDAY: How you doing?

18 MS. TANNER: I'm well. Thank you.

19 MS. MATOIAN: Nice to see you again.

20 ANDREW MUNDAY: Good to see you.

21 MS. TANNER: Is this you on the wall?

22 ANDREW MUNDAY: It favors me a little bit.

23 MS. TANNER: It favors you a little bit. All

24 right. Where is the best place that I sit.

25 ANDREW MUNDAY: Right in here.

1 MS. TANNER: Yes, sir.
2 MS. MATOIAN: You have a lovely home.
3 MS. TANNER: You do. It's gorgeous out here.
4 ANDREW MUNDAY: Thank you. It looks like y'all
5 brought the kitchen sink with you.
6 MS. TANNER: We did. We've got a little bit more
7 out in the car, but were not going to bring it in just check
8 unless you tell me you want to --
9 MS. MATOIAN: (Inaudible.)
10 MS. TANNER: Okay. Pull out my materials. Now, I
11 know that you have talked with some folks in our office
12 before, but while I'm pulling this together, I wanted to
13 tell you a little bit about the Commission.
14 As I told you on the phone yesterday, we're a
15 neutral state agency. We're charged with the
16 post-conviction investigation of claims of innocence.
17 What the Commission is looking at typical --
18 always is evidence of innocence that has not previously been
19 provided at trial or hearing or was not reasonably available
20 at the time of a plea. And then when a case -- as a case
21 moves forward through the different processes of the
22 Commission, there's a couple of different stages of review.
23 The final stage, if it that makes it that far, if a claim
24 makes it that far, will be the Commission hearing.
25 The Commission hearing is not adversarial. It is

1 just like the process itself, neutral. We are Commission
2 staff, so our job is to do the investigation portion and
3 then we present what we have found to the Commission. We
4 present everything, so good, bad, ugly, whatever it is, we
5 just present it.
6 The Commission itself is made up of eight
7 different members. There's a district attorney, a defense
8 attorney, a judge, community members, a victim advocate, a
9 sheriff, so -- a non-lawyer public member. So they then
10 listen to all that we present. They consider the new and
11 all the relevant evidence. They listen to everything that's
12 presented. And they make a determination at the end as to
13 whether or not there's sufficient evidence of innocence to
14 merit judicial review.
15 The Commission, just like the staff, is not making
16 an opinion about innocence. They simply are -- if -- if
17 it's necessary moving the case forward.
18 The three-judge panel is an adversarial process.
19 We are not involved in that process unless we're called as
20 witnesses. Just sort of like how you might be called as a
21 witness, right, you're not really involved in the court --
22 ANDREW MUNDAY: Right.
23 MS. TANNER: -- piece. That's kind of what we get
24 to do.
25 So we're here today because -- I know you've given

1 us some information before, but in looking at some of the
2 materials, we had some other questions for you.
3 I wanted to start by talking with you little bit
4 just to remind and you kind of orient us. This crime
5 occurred in the fall of 1979. However, your involvement in
6 the case, or at least the first time we see you in the file
7 was sometime in 1982. Mr. Blackmon was arrested for this
8 crime in late 1983, December of 1983. So that kind of will
9 orient you to kind of what happened in the case.
10 I will tell you that my understanding of reviewing
11 the records is that there is a notation sometime in the
12 early '80s, maybe 1980, that essentially says there's
13 really just no further leads in the case. And then it looks
14 like there's a meeting with the major crimes task force, and
15 then that your name and Mr. Holder's name begin appearing in
16 the file as performing interviews. Just to kind of orient
17 you a little bit to the case.
18 Can you tell me a little bit about what you were
19 doing with the police department and late '70s, early
20 '80s, what your job was?
21 ANDREW MUNDAY: I was either working with the
22 major crime unit or an investigator for the DA's office.
23 MS. TANNER: Okay. What did you do for the major
24 crimes unit?
25 ANDREW MUNDAY: Investigated homicide cases and

1 old cases.

2 MS. TANNER: How did you get assigned cases on the

3 major crimes unit?

4 ANDREW MUNDAY: I guess our supervisor assigned

5 them me, you know.

6 MS. TANNER: Did Mr. Holder work with you on the

7 major crimes unit?

8 ANDREW MUNDAY: He did.

9 MS. TANNER: Did he work with you at the DA's

10 office?

11 ANDREW MUNDAY: The two of us, yes.

12 MS. TANNER: Okay. When you were working for the

13 DA's office as an investigator, would you be doing that

14 pursuant to employment with the RPD or were you employed

15 with the DA's office?

16 ANDREW MUNDAY: I was employed with the RPD.

17 MS. TANNER: Okay.

18 ANDREW MUNDAY: But somehow another they had some

19 loan -- loaned two officers -- investigators out over there

20 working with the DA's office. It was -- I'm sure it was a

21 federal grant because we had two new cars.

22 MS. TANNER: Okay. Do you remember what year that

23 was that you started working at the DA's office?

24 ANDREW MUNDAY: I really don't. I can't say for

25 sure.

1 MS. TANNER: Okay. I think I have the first
2 time -- and I pulled this document just because it was the
3 first time I saw your name in the file. Let me think.
4 Okay. I'm going to show you this. It is a
5 supplementary report. I'm going to put a little tabby on it
6 if I can find my tabbies and just call it number 14.
7 ANDREW MUNDAY: Okay.
8 (Exhibit Number 14 was marked.)
9 UNIDENTIFIED FEMALE: They called the cell phone.
10 ANDREW MUNDAY: Oh, yeah.
11 [redacted]
12 ANDREW MUNDAY: No wonder you didn't get it. The
13 dog's been groomed.
14 MS. TANNER: Oh, I remember there being a little
15 puppy.
16 This is -- I've marked this as Number 14 just so
17 we can keep up with it when we go back to read it. This is
18 the first time that I saw your name in the file. And then
19 your name is at the -- the back in the bottom. And it says
20 "Major Crimes Unit," so I just want to make sure to have you
21 look at it --
22 ANDREW MUNDAY: Yeah.
23 MS. TANNER: -- and see if that would have been
24 you working for the major crimes unit --
25 ANDREW MUNDAY: Yeah.

1 MS. TANNER: -- or were you working at the DA.
2 ANDREW MUNDAY: Yes. I was with the major crime
3 unit if it says that, yes.
4 MS. TANNER: Okay.
5 ANDREW MUNDAY: Yes.
6 MS. TANNER: Okay. What did you do before you
7 went to the major crimes unit?
8 ANDREW MUNDAY: Working for the DA's office.
9 MS. MATOIAN: Okay. So you did that before?
10 ANDREW MUNDAY: That was my job prior to going
11 there.
12 MS. TANNER: And how long had you been a police
13 officer?
14 ANDREW MUNDAY: In '79, nine years.
15 MS. TANNER: How long did you work the DA's
16 office; do you remember?
17 ANDREW MUNDAY: I'm going to guess two to three
18 years.
19 MS. TANNER: Okay.
20 ANDREW MUNDAY: Ever how long that program last --
21 MS. TANNER: Oh, cool.
22 ANDREW MUNDAY: -- I was in there.
23 MS. TANNER: So it was like -- I think like -- it
24 was like a federal grant were they used --
25 ANDREW MUNDAY: I think so.

1 MS. TANNER: Yeah. That's what that was.
2 What did you do before the DA's office?
3 ANDREW MUNDAY: I guess I was working -- it might
4 have been drugs. I worked drugs from '73 to maybe '79.
5 That's about right. Early part of '79.
6 MS. TANNER: Were you working drugs with the
7 narcotics unit at RPD?
8 ANDREW MUNDAY: Yes.
9 MS. TANNER: What kind of training did you get on
10 interrogation of -- let me back up.
11 Did you receive any training on interrogation of
12 suspects from RPD?
13 ANDREW MUNDAY: You know, I can't remember whether
14 I went to any schools pertaining to interviewing and
15 interrogation or just something I picked up from working the
16 job.
17 MS. TANNER: On the job?
18 ANDREW MUNDAY: Yeah.
19 MS. TANNER: Yeah. Was there any type of specific
20 technique that you used when you were interviewing a
21 witness? Let's start there.
22 ANDREW MUNDAY: I guess I usually would just kind
23 of identify myself to the person -- I feel like I'm in court
24 now -- identify myself to the person and --
25 MS. MATOIAN: She's good like that. It's okay.

1 ANDREW MUNDAY: -- try to develop some kind of
2 rapport with them while I'm talking with them and then start
3 talking about why we're in there.
4 MS. TANNER: Okay. Don't feel like you're in
5 court. So I -- I'm not a police officer --
6 ANDREW MUNDAY: Yeah, yeah.
7 MS. TANNER: -- so I don't know anything about how
8 this works.
9 ANDREW MUNDAY: It's been a long time since I
10 thought along these lines, you know, too.
11 MS. TANNER: Yeah.
12 ANDREW MUNDAY: So I am rusty, very.
13 MS. TANNER: So I appreciate that. This is
14 actually very helpful for us.
15 How about interrogating a suspect, was there any
16 training, any methodology that you used when it came to
17 interrogating a suspect in a crime?
18 ANDREW MUNDAY: No, I don't think so.
19 MS. TANNER: Okay. Was there a difference between
20 how you interacted with a witness and how you'd interact
21 with somebody you believed to be a suspect in a case?
22 ANDREW MUNDAY: If I was interviewing a person
23 that was a suspect, again, I would try to develop some kind
24 of rapport with him in order to get him to talk, you know.
25 I -- I was never a person that was -- confronted a witness

1 or a suspect as hostile, you know, if I was trying to get
2 something from him.
3 MS. TANNER: Right. When you were -- and I'm
4 going to use the word interrogating, but we can use the word
5 talking.
6 ANDREW MUNDAY: No problem.
7 MS. TANNER: -- talking to a suspect, did you ever
8 purchase them food or take them for a haircut and a shave or
9 run errands with them in order to build that rapport?
10 ANDREW MUNDAY: Yes.
11 MS. TANNER: You did.
12 ANDREW MUNDAY: Yeah.
13 MS. TANNER: All three of those things?
14 ANDREW MUNDAY: I've never -- I don't remember
15 taking somebody to get a haircut, but I purchased some food
16 and did -- did small things like that, carried them places.
17 MS. TANNER: Let me ask you little bit about your
18 documentation.
19 Was there any training that you received, while
20 you were working at RPD or the DA's office, about how to
21 document your investigations?
22 ANDREW MUNDAY: I guess I'll learn all that -- got
23 all that training from the police department.
24 MS. TANNER: Okay. When you -- let me back up.
25 Did you document every time you interacted with a suspect as

1 a practice?

2 ANDREW MUNDAY: Yes.

3 MS. TANNER: Okay.

4 ANDREW MUNDAY: Pretty much.

5 MS. TANNER: Were there times that you might

6 interact with a suspect that you did not document?

7 ANDREW MUNDAY: Not that I can recall anything

8 like that. But normally, if I had some kind of interaction

9 with him, I would make some kind of a record of it.

10 MS. TANNER: Okay. And why would you -- why would

11 you make that record?

12 ANDREW MUNDAY: Just -- just an investigative

13 practice.

14 MS. TANNER: Okay. Let's see. When you were

15 interviewing a suspect, how did you document that?

16 ANDREW MUNDAY: Usually by recordings.

17 MS. TANNER: Uh-huh. Recording?

18 ANDREW MUNDAY: Tape interview, yes.

19 MS. TANNER: Tape interview. And so I have a

20 question about that. And I do have -- when we say tape --

21 when we say a taped interview -- so when I first started out

22 as a lawyer, you know, there is the taped interview, like

23 you put the recorder on the desk, we're having an interview,

24 and then you end up with a transcript that's like

25 question/answer --

1 ANDREW MUNDAY: Right.
2 MS. TANNER: -- question/answer.
3 ANDREW MUNDAY: Right.
4 MS. TANNER: Is that how you taped interviews?
5 MS. MATOIAN: That's it. Yeah.
6 MS. TANNER: Were there ever times that you
7 interacted with a suspect and the recording you made wasn't
8 the question/answer, question/answer, but was just you
9 talking into the recording about what was happening?
10 ANDREW MUNDAY: Nothing other than the beginning
11 of the interview.
12 MS. TANNER: Okay.
13 ANDREW MUNDAY: Just putting a heading on it.
14 MS. TANNER: What if you took a suspect to a crime
15 scene, was that something you recall doing in your practice?
16 ANDREW MUNDAY: I think I've done that before.
17 MS. TANNER: Okay.
18 ANDREW MUNDAY: I think I did that in this case.
19 MS. TANNER: You did?
20 ANDREW MUNDAY: Yeah.
21 MS. TANNER: So what was your practice as it
22 related -- let's back up. In general, because that's kind
23 of where we are. What was your practice as it related to
24 recording you taking a suspect to a crime scene?
25 ANDREW MUNDAY: I think the -- the person that you

1 were working with would dictate whether you were -- would do
2 that or not.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: As a rule, that was not something
5 that happened. But -- and -- and in this case, in working
6 with James, he was cooperative and we were cooperative with
7 him.
8 MS. TANNER: Mr.-- so James Blackmon?
9 ANDREW MUNDAY: Yeah.
10 MS. TANNER: Okay. And when you say that
11 wasn't -- it depended on the person you were working with
12 and that wasn't a practice, what do you mean by that, that
13 taking them to crime scene depended on the person you were
14 working with or recording it depended on the person you were
15 working on it?
16 ANDREW MUNDAY: I mean recording, I used a
17 recorder all the time if I was --
18 MS. TANNER: Okay.
19 ANDREW MUNDAY: -- doing an interview. But taking
20 them to a crime scene is -- is something that right offhand,
21 that's the only one I can remember that I -- we carried to a
22 crime scene.
23 MS. TANNER: So Mr. Blackmon is the only one you
24 remember --
25 ANDREW MUNDAY: That I remember --

1 MS. TANNER: -- in your career?
2 ANDREW MUNDAY: -- right off, yes.
3 MS. TANNER: Okay. So was it a routine practice
4 for you to take a suspect to a crime scene?
5 ANDREW MUNDAY: No. I would think not.
6 MS. TANNER: And this one stands out --
7 ANDREW MUNDAY: Right.
8 MS. TANNER: -- this case stands out?
9 ANDREW MUNDAY: Most -- most of the time the
10 suspect didn't want to go to a crime scene anyway, so I
11 wouldn't take him there against his will.
12 MS. TANNER: Okay. I'm going to show you what
13 I've marked as Exhibit 15. And this is just to help me keep
14 up with it. And you know how lawyers do, we like to keep up
15 with it.
16 (Exhibit 15 was marked.)
17 MS. TANNER: This is a policy from RPD. I want to
18 give you an opportunity to look at -- it's about
19 documentation -- and just see if you recognize that policy
20 or remember it.
21 ANDREW MUNDAY: Have you spoken to Holder?
22 MS. TANNER: I have. But my investigation is
23 confidential, so -- but I can talk to you little bit about
24 when you can hear more about it.
25 ANDREW MUNDAY: When I can hear more about what?

1 MS. TANNER: The investigation overall.
2 ANDREW MUNDAY: Oh.
3 MS. TANNER: At some point our investigations,
4 actually portions of it, may become public record.
5 ANDREW MUNDAY: Yeah.
6 MS. TANNER: Have you talked to Mr. Holder about
7 this case?
8 ANDREW MUNDAY: No.
9 MS. MATOIAN: How long were you guys partners for?
10 Or were you partners or just working --
11 ANDREW MUNDAY: Yeah. We were partners. We were
12 partners a pretty good while. I'd say five, six years.
13 MS. TANNER: Wow. Because you are the DAs office,
14 too, right, with him?
15 ANDREW MUNDAY: Yeah. Yeah. I mean this looks
16 like -- looks like "Standard Procedures" is what it says
17 here.
18 MS. TANNER: Okay. Do you -- is that what -- do
19 you remember having policies like that --
20 ANDREW MUNDAY: Sure.
21 MS. TANNER: -- at the police department?
22 ANDREW MUNDAY: Sure.
23 MS. TANNER: Okay. Do you recognize that
24 particular one at all?
25 ANDREW MUNDAY: I can say this looks like that's

one of the policies.

MS. TANNER: It looks like that's one of the policies you had?

ANDREW MUNDAY: Yeah.

MS. TANNER: Okay. Okay. I want to talk to you little bit now -- and I do want to talk to you about what you remember in this case. The background kind of helps me understand how the process worked and what questions to ask.

When you -- lineups were an issue in this case, right, not -- I mean just they appeared frequently in the case, both in the early investigation --

ANDREW MUNDAY: Yeah.

MS. TANNER: -- and then potentially later. What was your practice in the late '70s and early '80s as it related to lineups?

ANDREW MUNDAY: I remember us using photo lineups and lineups with live people.

MS. TANNER: Okay. When you did lineups with live people, were you -- did you participate in those?

ANDREW MUNDAY: I have, yes.

MS. TANNER: Okay. And were they ever done at Central Prison?

ANDREW MUNDAY: Yes.

MS. TANNER: Okay.

ANDREW MUNDAY: Some were.

1 MS. TANNER: Some were. Okay. Why would they be
2 done at Central Prison?
3 ANDREW MUNDAY: It was just easy availability to
4 people.
5 MS. TANNER: Okay. When you were involved in a
6 lineup, was that always -- in the late '70s and early
7 '80s, was that always when you were the investigator in
8 that case?
9 ANDREW MUNDAY: I think I may have been involved
10 in some lineups that I was not the investigator.
11 MS. TANNER: Okay.
12 ANDREW MUNDAY: You know, I just tagged along or
13 whatever.
14 MS. TANNER: When you were the investigator on a
15 case and you were involved in the lineup, was it your
16 practice to write a report about what happened with that
17 lineup?
18 ANDREW MUNDAY: I think so, yes.
19 MS. TANNER: Okay. Would there ever have been a
20 time or a reason that you would not have written a report
21 about a lineup in one of your cases that you were
22 investigating?
23 ANDREW MUNDAY: I can't think of a time like that.
24 MS. TANNER: Okay.
25 ANDREW MUNDAY: So the major crime unit worked as

1 a group, more or less, you know. Even though -- I can't
2 remember whether this case was assigned to me or Holder --
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: -- but Holder and I were partners.
5 And the major crime unit consisted then of about six guys.
6 And we would meet just about every day in the conference
7 room --
8 MS. TANNER: Okay.
9 ANDREW MUNDAY: -- and go over whatever we might
10 be working on just to keep everybody abreast of what was
11 going on in each case. And John Doe might be assigned to
12 one case, somebody else assigned to another case, and
13 that -- and that's kind of the way it worked.
14 MS. TANNER: Okay. But y'all all sat down
15 together to kind of talk about what to do.
16 ANDREW MUNDAY: Yes. We shared that information
17 with the group.
18 MS. TANNER: When you were doing -- I want to talk
19 about that related to lineups. When you were on the major
20 crimes task force investigating cases, did -- did you ever
21 ask for like line officers, like the -- you know, just kind
22 of, I guess for lack of a better term, like the beat
23 officers to help you with the lineups or did you all always
24 do those for your cases in major crimes task force amongst
25 your team there?

1 ANDREW MUNDAY: I think on somewhere occasions
2 we've used some other cops.
3 MS. TANNER: To help with that?
4 ANDREW MUNDAY: Yeah.
5 MS. TANNER: Okay. Okay. That's actually really
6 helpful and a good lead into to this case. I'm going to
7 show you what I've already marked as Exhibit 1. And I will
8 tell you, what this looks like to me is when the major
9 crimes task force got involved. I'm going to give you a
10 second to look at this and then I have just like a few
11 questions about, though you may have answered a lot of them
12 with the process.
13 ANDREW MUNDAY: Using officers in a lineup was a
14 rare thing. I'm mean it won't something that I remember we
15 did often.
16 MS. TANNER: Okay. Let me ask my question a
17 little bit differently than before I leave you off to read
18 that. Did you ever use other officers to conduct the
19 lineups as opposed to being in them but actually conduct
20 them for you?
21 ANDREW MUNDAY: No.
22 MS. TANNER: Okay. So in your cases, you always
23 conducted both the physical or photo lineups if you were
24 investigating the case, you or your partner?
25 ANDREW MUNDAY: Yes, pretty much so.

1 MS. TANNER: Okay. Okay. Thank you for that
2 clarification. That helps me.
3 I'm going to start doing lineups and just like
4 picking random stuff folk to throw in there.
5 MS. MATOIAN: I'll -- I'll be your --
6 MS. TANNER: Volunteer.
7 MS. MATOIAN: -- designated short person.
8 ANDREW MUNDAY: Yeah.
9 MS. MATOIAN: Any time you --
10 ANDREW MUNDAY: Yeah.
11 MS. MATOIAN: Any time the suspect is short, you
12 can throw me in there.
13 ANDREW MUNDAY: I'm not reading much of it. I'm
14 just kind --
15 MS. TANNER: No, that's okay.
16 ANDREW MUNDAY: -- scanning over.
17 MS. TANNER: It's just to kind of help orient
18 you --
19 ANDREW MUNDAY: Yeah.
20 MS. MATOIAN: -- as to what this -- this case in
21 particular.
22 ANDREW MUNDAY: This investigator looks like was
23 K.N. Privette (phonetic).
24 MS. TANNER: Was Mr. Privette on the major crimes
25 task force?

1 ANDREW MUNDAY: He was -- he was one of the
2 original members of the major crime task force.
3 MS. TANNER: Oh, cool. Okay.
4 ANDREW MUNDAY: But I can't remember him actually
5 being assigned to the major crime unit when I was on major
6 crime.
7 MS. TANNER: Okay.
8 ANDREW MUNDAY: I must -- he must have -- I must
9 have been at the DA's office primarily at the time that he
10 was there. Because when I was assigned directly to major
11 crime unit, he was not there.
12 MS. TANNER: Okay. So this will help me form the
13 questions I have about this. In reading Exhibit 1, do you
14 remember if you were part of the group from the major crimes
15 task unit that went back to Saint Augustine's -- I think I
16 have been told is how you say it now -- to see like the
17 crime scene where the attack took place and talk with some
18 of the witnesses there?
19 ANDREW MUNDAY: I certainly went back to the crime
20 scene. You know, I don't know whether this time I was there
21 for it or not.
22 MS. TANNER: Okay. When you went back to the
23 crime scene was there a time that you went back without
24 Mr. Blackmon?
25 ANDREW MUNDAY: Yes. I think I've been there

1 without Mr. Blackmon before we carried him back there.
2 MS. TANNER: Okay.
3 ANDREW MUNDAY: And now I remember -- I remember
4 Privette now.
5 MS. TANNER: Okay. Tell me about that.
6 ANDREW MUNDAY: And that -- I just remember him --
7 I think the first time we went over there, Holder and
8 myself, that we went over there Norris Privette carried us
9 along to tell us about where the -- where the crime scene
10 occurred; walked us through what supposedly took place that
11 they knew about. I believe that's right.
12 MS. TANNER: Okay. Was that how the major crimes
13 task force sort of worked?
14 ANDREW MUNDAY: I want to say that the reason that
15 was taking place is he must have been going -- transferring
16 out somewhere else and this case was being assigned to
17 either me or Holder.
18 MS. TANNER: Okay. That makes sense. Okay. So
19 that's why he would have gone back with you to the crime
20 scene --
21 ANDREW MUNDAY: Yes.
22 MS. TANNER: -- to look at it --
23 ANDREW MUNDAY: Yes.
24 MS. TANNER: -- and get you up to speed on the
25 files?

1 ANDREW MUNDAY: I think that's right.
2 MS. TANNER: Okay. Okay. That's helpful.
3 I do have another question about your practice
4 that is relevant to this case. When -- in the late '70s
5 and early '80s, did you have any particular policies or
6 general practices as it related to witnesses or suspects who
7 were patients at Dorothea Dix?
8 ANDREW MUNDAY: Can have the question again?
9 MS. TANNER: Sure. Did you have any policies or
10 general practices in the late '70s, early '80s as it
11 related to patients at Dorothea Dix who might be witnesses
12 or suspects in the case?
13 ANDREW MUNDAY: No.
14 MS. TANNER: No?
15 ANDREW MUNDAY: Not that I recall.
16 MS. TANNER: Okay. So they were not treated any
17 differently --
18 ANDREW MUNDAY: No, no.
19 MS. TANNER: -- than a normal witness or suspect?
20 Okay.
21 Did you have any person at Dix that you worked
22 with when you were trying to access a patient as either a
23 witness or a suspect?
24 ANDREW MUNDAY: I think the chief would be our
25 contact over there.

1 MS. TANNER: There was -- there was a chief of
2 police at Dix?
3 ANDREW MUNDAY: Yes.
4 MS. TANNER: That's who you're talking about?
5 ANDREW MUNDAY: Yes.
6 MS. TANNER: Okay.
7 ANDREW MUNDAY: And right now, I cannot think of
8 his name. I knew him well.
9 MS. TANNER: Oh, okay.
10 ANDREW MUNDAY: Most of the time anything that we
11 had to do with Dorothea Dix, the first thing we'd do is
12 contact him and --
13 MS. TANNER: Okay.
14 ANDREW MUNDAY: -- and he'd set things up for
15 us on --
16 MS. TANNER: To help you out.
17 ANDREW MUNDAY: -- people we needed to talk to and
18 everything.
19 MS. TANNER: Okay. Do you remember the
20 involvement of District Attorney Susan -- I've lost her
21 name.
22 MS. MATOIAN: Edwards.
23 MS. TANNER: Edwards. I want to call her -- I
24 don't know why -- Susan Edwards in this case?
25 ANDREW MUNDAY: I mean it sounds familiar that

1 Susan might have been involved in it, but there's so many
2 cases that we had over there, you know, that -- I can't
3 specifically say that Susan was the one that we dealt with.
4 MS. TANNER: Okay.
5 ANDREW MUNDAY: She probably might have been, but
6 I just right off hand can't remember for sure whether she
7 was.
8 MS. TANNER: Okay. I'm going to show you what
9 I've marked as Exhibit 2, which is a typed up order. And I
10 will tell you -- take your time to look at it -- but this is
11 an order requesting records for Mr. Blackmon from Dorothea
12 Dix Hospital.
13 ANDREW MUNDAY: I don't -- I don't think this
14 would be something that would be unusual.
15 MS. TANNER: Okay.
16 ANDREW MUNDAY: Yeah.
17 MS. TANNER: That's -- that's -- you've answered
18 my question.
19 ANDREW MUNDAY: Yeah.
20 MS. TANNER: Now I'm going to show you what I've
21 marked as Exhibit 3, which is the report that appears to
22 associate with that about when the records were actually
23 received by you and Mr. Holder. And I'd like you to take a
24 minute just look at that because I have a question about
25 this last piece about the flagged records.

1 ANDREW MUNDAY: Okay.
2 MS. TANNER: We -- I will tell you in this file we
3 have portions of Dorothea Dix records that came to us when
4 we received the RPD file. Dorothea Dix does not have
5 records anymore --
6 ANDREW MUNDAY: Yeah.
7 MS. TANNER: -- which is not surprising. This is
8 an older case. But because we only have portions, I want to
9 ask you questions about what your practice was as it related
10 to what records from -- if you went and got records from
11 Dorothea Dix. What was your practice as to what records
12 would then end up in the file?
13 ANDREW MUNDAY: I would say any record that we --
14 any written record that we received from Dorothea Dix would
15 end up in the file.
16 MS. TANNER: Okay. So here it says on Exhibit 3,
17 "Special copies of pages that were flagged in the two
18 volumes of medical history will be on file with this case."
19 And my question about that sentence is, would you
20 put the entirety of the record in your file or would you
21 only preserve certain records for purposes of the file?
22 ANDREW MUNDAY: Only thing I can say about that,
23 and I can -- in reading this now, I'm -- I'm pretty sure
24 J.C. Holder wrote this. But if -- if -- if the file had
25 something that was relevant to what we were working on or we

1 thought that it had something to do with the case or it was
2 something to do with James' personality or whatever, I don't
3 think I would put in here certain things were flagged, you
4 know.
5 MS. TANNER: So that sounds like something Mr. --
6 ANDREW MUNDAY: That sounds like Holder.
7 MS. MATOIAN: Okay. That's sounds like him?
8 ANDREW MUNDAY: Yeah.
9 MS. TANNER: If you had reviewed the Dix records
10 and seen a note in the Dix records where Mr. Blackmon
11 indicated that he had harmed an African-American female or
12 stabbed anyone, would that be a record in this case that you
13 would have thought important to put in the file?
14 ANDREW MUNDAY: Yes, I would think so.
15 MS. TANNER: Okay. And would you have put records
16 like that in the file?
17 ANDREW MUNDAY: I would think so.
18 MS. TANNER: Okay. How about Mr. Holder, would he
19 have put records like that in the file?
20 ANDREW MUNDAY: I would think so.
21 MS. TANNER: Okay. I have another --
22 ANDREW MUNDAY: I don't -- you know, I don't
23 really know exactly what he means by "certain things were
24 flagged." But again, that's been a long time ago.
25 MS. TANNER: Sure. Yeah. And that's not -- you

1 wouldn't have written -- it wasn't --

2 ANDREW MUNDAY: No.

3 MS. TANNER: -- your recollection --

4 ANDREW MUNDAY: No.

5 MS. TANNER: -- that you ever read that?

6 ANDREW MUNDAY: No.

7 MS. TANNER: Okay. I want to ask you a question

8 about -- and I'm going to show what is marked as Exhibit 4

9 now, but this is about a -- not a confidential, it's just

10 about a source. Did you have sources that you used in late

11 '70s and early '80s?

12 ANDREW MUNDAY: Oh, yeah.

13 MS. TANNER: Did you have any from Dorothea Dix?

14 ANDREW MUNDAY: I'm trying to think. Well, I

15 could say that -- yes, probably.

16 MS. TANNER: Okay. Did you keep those sources in

17 any kind of record separate from the file in which you might

18 be using those sources?

19 ANDREW MUNDAY: If it was a confidential source,

20 it would be in the file. Probably be in a -- all -- and

21 supposedly all informants were -- were in a certain -- they

22 were filed with the department, registered more or less.

23 MS. TANNER: Oh, yeah, okay. I got it.

24 ANDREW MUNDAY: So that's the only thing I can

25 think of there.

1 MS. TANNER: Was there a difference in a source
2 and a confidential informant?
3 ANDREW MUNDAY: I think they could be both be the
4 same thing.
5 MS. TANNER: They could be the same thing?
6 ANDREW MUNDAY: Yeah.
7 MS. TANNER: But at least the confidential
8 informants you remember to be like registered with the
9 department and kept somewhere separate --
10 ANDREW MUNDAY: Yes.
11 MS. TANNER: -- from the file? Okay.
12 Like I said, I'm going to show you what's been
13 marked as Exhibit 4. I'll give you a second to look at this
14 and then I have a couple of questions about it, okay?
15 (Pause.)
16 ANDREW MUNDAY: What else can I ask you -- answer
17 for you about this?
18 MS. TANNER: Sure. So in looking at this Exhibit
19 No. 4, do you recall the identity of any of the sources that
20 are indicated there?
21 ANDREW MUNDAY: Again, I don't believe -- I'm
22 pretty sure this is not my -- my report here.
23 MS. TANNER: So at the end of this report -- I'll
24 tell you at the very end, it actually comes from a narcotics
25 detective.

1 ANDREW MUNDAY: Okay.
2 MS. TANNER: Do you remember receiving this
3 information from a narcotics detective in this case?
4 ANDREW MUNDAY: Right offhand I don't.
5 MS. TANNER: Okay. Was it routine for you to
6 receive information from a source from a narcotics --
7 ANDREW MUNDAY: Sure.
8 MS. TANNER: -- from a narcotics source? Okay.
9 ANDREW MUNDAY: It's routine to receive it from
10 any -- anybody.
11 MS. TANNER: Anybody. Would the narcotics officer
12 have come and told you about this source in person? Well,
13 let me back up.
14 How would they have communicated this information
15 to you?
16 ANDREW MUNDAY: My guess, he probably would have
17 come and told somebody in person about --
18 MS. TANNER: Okay.
19 ANDREW MUNDAY: -- about his information.
20 MS. TANNER: And then how does this report get
21 generated?
22 ANDREW MUNDAY: I'm assuming whoever received that
23 information generated this report.
24 MS. TANNER: Okay. Would it have ever -- well,
25 let me ask it specific to this case. Did you ever in this

1 case identify who the source was?

2 ANDREW MUNDAY: I didn't.

3 MS. TANNER: Okay. If someone in this case had

4 requested that you identify the source or if you had

5 identified the source, would that have been recorded in the

6 file?

7 ANDREW MUNDAY: I don't know. I would think -- I

8 would think so, but I'm not -- I don't know.

9 MS. TANNER: Okay.

10 ANDREW MUNDAY: I'm not sure about that. It

11 might -- might have been one -- one of those things they

12 were trying to keep confidential. I -- I just don't know.

13 MS. TANNER: When you have a confidential source

14 that comes in -- or when you were -- in late 1970s, early

15 1980s, when you had a confidential source or any source

16 like this that was giving information, how did you vet the

17 information from the source? Does that makes sense?

18 ANDREW MUNDAY: You were just trying to check it

19 out, you know, as best you could, verify his information,

20 you know, how credible it was.

21 MS. TANNER: Okay. If you felt like the identity

22 of the source was necessary to verify how credible they

23 were, is that something you would have requested as part of

24 your investigation?

25 ANDREW MUNDAY: Something I would have requested?

1 MS. TANNER: Yes, sir.
2 ANDREW MUNDAY: I don't know exactly how you mean
3 that.
4 MS. TANNER: So if -- let's say for the source --
5 there's maybe more than one source or --
6 ANDREW MUNDAY: Okay.
7 MS. TANNER: -- I'm actually not sure. Let's say
8 that in trying to -- for lack of a better term -- vet, make
9 sure their information was credible, you needed to know in
10 your mind who that person was --
11 ANDREW MUNDAY: I got you.
12 MS. TANNER: -- is that something -- would that
13 ever be an issue for you? Like hey, in order to vet this, I
14 need to know the identity of this source?
15 ANDREW MUNDAY: Yes, I think so.
16 MS. TANNER: Okay.
17 ANDREW MUNDAY: It seems reasonable anyway.
18 MS. TANNER: Yeah. And if that had been the
19 case -- because I understand that confidential sources might
20 be kept somewhere -- somewhere else. I tell you, I used to
21 work for the prison system --
22 ANDREW MUNDAY: Sure.
23 MS. TANNER: -- I get it --
24 ANDREW MUNDAY: Yeah.
25 MS. TANNER: -- you keep them somewhere else. But

1 if you're like, no, listen, I need to vet this source, is
2 that something you would have documented in the file if
3 vetting the source required you knowing their identity?
4 ANDREW MUNDAY: I think so.
5 MS. TANNER: Okay.
6 ANDREW MUNDAY: I think so.
7 MS. TANNER: I'm going to kind of switch gears a
8 little bit and show you what I've marked as Exhibit 5. This
9 one is quicker. It ain't so long. Well, I see you're
10 looking at the bottom of that exhibit. Do you recognize
11 that detective's name?
12 ANDREW MUNDAY: Yeah.
13 MS. TANNER: Who is that?
14 ANDREW MUNDAY: Nelson Lockey.
15 MS. TANNER: Okay. And --
16 ANDREW MUNDAY: He is --
17 MS. MATOIAN: Oh, you look so handsome.
18 ANDREW MUNDAY: He's --
19 THE WITNESS: Oh, my goodness.
20 ANDREW MUNDAY: -- he's deceased, I think.
21 MS. TANNER: Hi. I'm so sorry.
22 ANDREW MUNDAY: That's all right. I'm sorry for
23 this dog jumping around you.
24 MS. TANNER: This is a clean --
25 MS. MATOIAN: It's a fringe benefit of our --

THE WITNESS: -- fancy dog.

MS. MATOIAN: -- job that we get to see --

THE WITNESS: Yeah.

MS. MATOIAN: -- people's dogs all the time.

THE WITNESS: Hi there.

MS. MATOIAN: We always and forever talk to these dogs.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted].

[redacted]

MS. TANNER: [redacted]

So, I'm sorry. You said you did recognize his name?

ANDREW MUNDAY: Yes.

MS. TANNER: Okay. Was he -- was this detective at the back of Exhibit 4 -- I want to get his name right -- Lockey --

ANDREW MUNDAY: Yes.

MS. TANNER: -- is that how you say it?

1 ANDREW MUNDAY: Yes.
2 MS. TANNER: Was he a normal source of
3 confidential or of any --
4 ANDREW MUNDAY: He was a lieutenant in some other
5 part of the police department. You know, I don't -- I don't
6 recall what it was. Somehow or another he came across this
7 information.
8 MS. TANNER: Okay. And did you -- do you have any
9 information as we sit here today about how Mr. -- or
10 Lieutenant Lockey kept his sources, like where he might have
11 recorded those?
12 ANDREW MUNDAY: I don't.
13 MS. TANNER: Okay.
14 ANDREW MUNDAY: I have no idea.
15 MS. TANNER: I'm going to show you what's been
16 marked as Exhibit 5. This one is pretty easy. It's not so
17 much reading. This is, I will tell you, a photocopy of the
18 front of the book. You know have the files are held in
19 books, like --
20 ANDREW MUNDAY: Yeah.
21 MS. TANNER: -- like 1, 2, 3, 4, 5, 6, 7, 8, 9 10,
22 11, 12. This is the front of the book, and then the very
23 next page is this photo. And that this is a photocopy of
24 the front of the photo but also the back of the photo.
25 ANDREW MUNDAY: Uh-huh.

1 MS. TANNER: Do you recognize that photo?
2 ANDREW MUNDAY: I would say that I've seen this
3 photo before, but I don't know anything specific about the
4 photo that makes me recognize it. The -- the handwriting on
5 the date is not mine.
6 MS. TANNER: Okay.
7 ANDREW MUNDAY: Nor is it Holder's, I don't think.
8 MS. TANNER: Okay. And so do you recognize the
9 person in the photo?
10 ANDREW MUNDAY: Sure.
11 MS. TANNER: Who is it?
12 ANDREW MUNDAY: James Blackmon.
13 MS. TANNER: Okay. Do you recall taking a picture
14 of James Blackmon?
15 ANDREW MUNDAY: I don't think I took this picture.
16 I probably have taken some pictures of him though.
17 MS. TANNER: Okay. How -- so let me back up and
18 ask you about -- a little bit about your practice --
19 ANDREW MUNDAY: Okay.
20 MS. TANNER: -- right, because that helps us
21 understand. What would lead you to have taken a picture of
22 a suspect back in the '79, '80s?
23 ANDREW MUNDAY: Well, anytime we brought anybody
24 in, if he was a suspect, one of the first things we'd do
25 when we'd bring him is -- is photo him. If it was nothing

1 but a -- what the hell -- this kind of photo.
2 MS. TANNER: Polaroid.
3 MS. MATOIAN: Polaroid.
4 ANDREW MUNDAY: Yeah.
5 MS. TANNER: You know, Polaroids are coming back.
6 I'm just going to say that.
7 ANDREW MUNDAY: I'm having a memory problem now.
8 Which I've got a lot of problem with the brain remembering
9 stuff. But, yeah, we kept those cameras running all the
10 time and -- and we used them a lot. So yeah, we would have
11 took it when they first became a suspect and when he came in
12 our presence.
13 MS. TANNER: I know you said you don't recognize
14 the handwriting on the back. Would you use anyone else to
15 come and take a Polaroid of a suspect for you?
16 ANDREW MUNDAY: As a rule, I wouldn't. We had
17 access to the camera.
18 MS. TANNER: You'd do it?
19 ANDREW MUNDAY: I'd do it myself.
20 MS. TANNER: Was it your practice to date the back
21 of the photo if you took a photo of a suspect?
22 ANDREW MUNDAY: Oh, yeah.
23 MS. TANNER: Okay. Was that the practice of the
24 other officers --
25 ANDREW MUNDAY: Pretty much.

1 MS. TANNER: -- in the major crimes unit?
2 ANDREW MUNDAY: Pretty much.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: My guess is this is Norris
5 Privette's handwriting.
6 MS. TANNER: Oh, okay.
7 ANDREW MUNDAY: He and I worked drugs together as
8 partners for a long time, a lot of years. And that looks
9 like -- and I couldn't say that -- swear on that, but that
10 kind of looks like his handwriting.
11 MS. TANNER: Okay. And Mr. Privette was the one
12 who was on the first --
13 ANDREW MUNDAY: I think --
14 MS. TANNER: -- that form?
15 ANDREW MUNDAY: I think so.
16 MS. TANNER: Okay. All right. Thank you. It's
17 good for me to check. It takes me a minute.
18 When you are involved in this case, were you aware
19 of Mr. Blackmon -- just prior to the investigation of him as
20 a suspect in this case -- were you aware that he was an
21 alleged victim of abuse at Dorothea Dix?
22 ANDREW MUNDAY: No.
23 MS. TANNER: Okay. So you did not know anything
24 about the SBI investigation into the abuse of Mr. Blackmon
25 by two employees at Dorothea Dix --

1 ANDREW MUNDAY: No.
2 MS. TANNER: -- just prior to this?
3 ANDREW MUNDAY: This is the first I remember ever
4 hearing anything about that.
5 MS. TANNER: Okay. Were you -- were you aware --
6 I know you just said that, but --
7 ANDREW MUNDAY: Okay.
8 MS. TANNER: -- I'm going to ask my next
9 question -- were you aware that the DA, the ADA,
10 Ms. Edwards, was involved in prosecuting the employees who
11 allegedly abused Mr. Blackmon?
12 ANDREW MUNDAY: No.
13 MS. TANNER: Okay. If you --
14 ANDREW MUNDAY: I don't recall any of that, you
15 know.
16 MS. TANNER: Sure.
17 ANDREW MUNDAY: Yeah.
18 MS. TANNER: If you had known about that, would
19 that have been a file that you would have received or asked
20 about? I know you don't recall as you're sitting here
21 today.
22 ANDREW MUNDAY: Not that I remember, yeah.
23 MS. TANNER: Okay. In this case -- and I -- we
24 have the whole file out in the car, but I didn't want to
25 bring that whole thing in --

1 ANDREW MUNDAY: Yeah.
2 MS. TANNER: -- it's like a big box, but I mean
3 there is no secret to it.
4 ANDREW MUNDAY: Yeah.
5 MS. TANNER: So if you're like --
6 ANDREW MUNDAY: Yeah.
7 MS. TANNER: -- hey, I know that's in book 10. I
8 need you to go get that, we'll go get it for you.
9 In this case there were some questions during the
10 interviews with some of the women who lived on the dorm
11 about like prostitution and drugs as like a potential
12 connection to the crime. This was before Mr. Blackmon had
13 become a suspect. Do you remember as we're sitting here
14 today why that was a theory of the case?
15 ANDREW MUNDAY: I don't.
16 MS. TANNER: Okay.
17 ANDREW MUNDAY: And I would say that that took
18 place -- that took place before I was ever involved in this
19 case. I'm guessing. Because I don't remember any -- any of
20 that being involved.
21 MS. TANNER: Okay.
22 ANDREW MUNDAY: I would think that Privette may
23 have been involved in the case when it first happened.
24 MS. TANNER: Okay.
25 ANDREW MUNDAY: And -- and, you know, it got

1 passed down to me sometime later.

2 MS. TANNER: Right. Okay. That makes --

3 ANDREW MUNDAY: Me or Holder.

4 MS. TANNER: And that's actually kind of make some

5 sense with the way the dates --

6 ANDREW MUNDAY: Yeah.

7 MS. TANNER: Okay. I'm actually going to go back

8 to this SBI. I want to show you what's been marked as

9 Exhibit 7. And I'll tell you, it's really a quick little

10 review. But this is actually an interview with the SBI

11 agent who was involved in the investigation of those

12 allegations of abuse, that Mr. Blackmon was abused.

13 ANDREW MUNDAY: Okay.

14 MS. TANNER: But what I want to point out -- I

15 want to give you time to look at if you want time to look at

16 it, but what I want to point out at the bottom is that

17 Mr. Holder's name is on that and your name doesn't appear.

18 ANDREW MUNDAY: Uh-huh.

19 MS. TANNER: So after looking at this, my question

20 will be, if only Mr. Holder's name is here -- and I don't

21 know that I looked at the first paragraph to see if you were

22 there -- would you -- is that -- like would you have been

23 involved in this if your name doesn't appear or do you -- we

24 can't tell from this?

25 ANDREW MUNDAY: I would think -- I would think

1 not.

2 MS. TANNER: Okay.

3 ANDREW MUNDAY: And -- and this indicates to me

4 that Holder and I worked with the career criminal unit at

5 the DA's office. That's what it was called.

6 MS. TANNER: Oh, okay.

7 ANDREW MUNDAY: So that -- this -- this timing

8 period, we were at that DA's office.

9 MS. TANNER: Okay.

10 ANDREW MUNDAY: What is the date of this, '83.

11 Yeah. We were career criminal unit.

12 MS. TANNER: That is really helpful to understand.

13 So this is why it's so helpful because I don't know. Okay.

14 ANDREW MUNDAY: And -- and what would happen in --

15 in those cases there, he and I had an office together and

16 somebody would come in and want some of this information and

17 it may be -- they may hand it to him and let him go run it

18 down. And we'd run it down and hand it -- hand the

19 information back to them. I might not even ever know about

20 it.

21 MS. TANNER: Okay. So when you --

22 ANDREW MUNDAY: So I think this -- this right here

23 happened when he was the career criminal unit at the DA's

24 office and he needed to go check this information out. He

25 made a report about it. Handed it back to the DA or

1 whatever.

2 MS. TANNER: Okay. So this is actually an

3 interview about Mr. Blackmon. Okay. I see. So he would

4 have been involved in that piece. Okay.

5 As a -- and so when you were -- I know, when you

6 were there at the RPD career criminal unit with the DA's

7 office, did you guys go out together? Like did you go

8 out -- did two people go or sometimes would you go out just

9 one -- just one of you?

10 ANDREW MUNDAY: A lot of times we went out by

11 ourself.

12 MS. TANNER: By yourself?

13 ANDREW MUNDAY: Yeah.

14 MS. TANNER: Okay.

15 ANDREW MUNDAY: Now, sometimes we did get

16 together, but a lot of times we went out -- went out by

17 ourself.

18 MS. TANNER: Okay. Okay.

19 MS. MATOIAN: Can I ask a question going back to

20 the Susan Edwards thing. So I know you don't remember that

21 part of it. If -- if someone was -- you were investigating

22 someone for a crime and you found out that somebody else,

23 either at RPD or the DA's office that that person was

24 also -- your suspect was a victim in a crime, would you try

25 to keep those two investigations separate or would you share

1 information with each other?

2 ANDREW MUNDAY: I would think you would share.

3 MS. MATOIAN: Okay. You would share.

4 ANDREW MUNDAY: Yeah.

5 MS. TANNER: Okay. That was helpful. Okay. Now

6 I want to talk to you a little bit -- and I have

7 Mr. Blackmon's statements here. Oh, let me ask you this as

8 a quick question. Do you remember the Bridges and Alston --

9 ANDREW MUNDAY: Yes.

10 MS. TANNER: -- murders? There is -- and I'm

11 going to actually let Catee talk about this because she's

12 the one --

13 MS. MATOIAN: Yeah, sure.

14 MS. TANNER: -- who kind of looked through the

15 file on those.

16 MS. MATOIAN: Did you work on those cases?

17 ANDREW MUNDAY: I was on the -- I started to say I

18 was on the major crime unit. You know, I think I was with

19 the career criminal unit then.

20 MS. MATOIAN: Okay.

21 ANDREW MUNDAY: But I was probably the first

22 investigator that went to the Bridges homicide. Because a

23 uniform officer found it or somebody reported it to him and

24 he was there and the chief was there. He and I both pulled

25 up at the same time. So I didn't get involved in the case

1 other than just being there right then.
2 MS. MATOIAN: Okay.
3 ANDREW MUNDAY: Because I was still on career
4 criminal unit.
5 MS. MATOIAN: Okay. There's is a report here --
6 Beth has marked as Number 8 -- and it's written by you. And
7 it says that Mr. Blackmon was looked at as a possible
8 suspect in those cases. It's on the bottom of page 2. I
9 think it just spills a little bit over onto page 3.
10 ANDREW MUNDAY: Yeah.
11 MS. MATOIAN: Do you remember why you were looking
12 into him for those two murders?
13 ANDREW MUNDAY: Just as a general, nothing -- I
14 don't think it was anything major that indicated that he was
15 involved in that. But you know, just as I look at this now,
16 it just would have been one of those things that we were
17 looking at and trying to cover the bases --
18 MS. MATOIAN: Okay.
19 ANDREW MUNDAY: -- to make sure if we could
20 determine whether he was around at the time or whatever.
21 MS. MATOIAN: Okay. And we actually got the --
22 the Bridges and Alston files from RPD and the SBI to look at
23 them and Mr. Blackmon is not mentioned in their --
24 ANDREW MUNDAY: Right.
25 MS. MATOIAN: -- reports for those files.

1 ANDREW MUNDAY: Okay.
2 MS. MATOIAN: Is that not unusual to you?
3 ANDREW MUNDAY: I don't think so.
4 MS. MATOIAN: Okay.
5 ANDREW MUNDAY: No, it's not unusual. And -- and
6 other than this -- my guess, other than this brief comment
7 here I made about it, that's the only association that I
8 think was ever -- was ever made about, you know, him being
9 involved in any of these, Alston --
10 MS. MATOIAN: Okay.
11 ANDREW MUNDAY: -- and the other cases.
12 MS. MATOIAN: Thank you.
13 MS. TANNER: Okay. Let me back up and ask you
14 about before you were talking with Mr. Blackmon as a suspect
15 in the Helena Payton homicide, do you remember having any
16 interactions with Mr. Blackmon prior to that?
17 ANDREW MUNDAY: No.
18 MS. TANNER: Okay.
19 ANDREW MUNDAY: I don't remember any.
20 MS. TANNER: Would it have been usual for you to
21 have taken someone to be admitted to Dorothea Dix?
22 ANDREW MUNDAY: Would it have been unusual?
23 MS. TANNER: Yes, sir.
24 ANDREW MUNDAY: It wouldn't be common thing, but
25 we did. I think I may have done that more than once, but

1 not -- not as a rule.

2 MS. TANNER: Okay. If Mr. Blackmon has a

3 recollection that -- prior to the investigation to the

4 Helena Payton homicide -- that you and/or Mr. Holder took

5 him because of, you know, an issue with someone he was

6 living with to Dorothea Dix to be admitted, would that

7 strike you as something unusual?

8 ANDREW MUNDAY: Kind of, yeah.

9 MS. TANNER: Okay. Would it be something that --

10 would you have a reason to disagree with his recollection as

11 to that?

12 ANDREW MUNDAY: With his recollection?

13 MS. TANNER: With Mr. Blackmon's recollection that

14 at some time prior to the investigation to the Helena Payton

15 homicide you or Mr. Holder or both took him to Dorothea Dix

16 to be admitted.

17 ANDREW MUNDAY: I remember us taking him to

18 Dorothea Dix. But I think at the time we carried him to

19 Dorothea Dix, he was already somebody that we was looking at

20 real strong as being -- could be involved in that case.

21 MS. TANNER: Okay. Okay. That makes sense.

22 Okay.

23 All right. I have here -- and I don't expect you

24 to read all of this, though you are welcome to if you would

25 like.

1 ANDREW MUNDAY: No.
2 MS. TANNER: This is going to be my --
3 MS. MATOIAN: Some questions are easy.
4 MS. TANNER: Yeah. Some questions are easy. I
5 marked this as Exhibit 9. But what this is is a collection
6 of the statements that we have from Mr. Blackmon. So what
7 we don't have in this case are the actual recordings. As we
8 understand it, they were maintained as items of evidence.
9 And so they were not maintained, whereas the actual -- the
10 transcripts --
11 ANDREW MUNDAY: Right.
12 MS. TANNER: -- or any of the notes were
13 maintained as part of the file. So those we have.
14 So here's my question about these. I'm going to
15 show you -- I'm just going to turn in Exhibit 9 to like
16 page -- this is labeled Bates stamped 11 in the bottom right
17 corner. What I have here is a format of like
18 question/answer, question/answer, question/answer. And we
19 talked a little bit about this earlier. Is that familiar to
20 you as how you would have interviews transcribed?
21 ANDREW MUNDAY: Exactly.
22 MS. TANNER: Okay. Now I want to show you what's
23 marked here at the bottom as page 50. Let me get to it.
24 There it is. So here at -- at the bottom right that's
25 marked as page 50. You can see how this is more like

1 narrative. It's not the question/answer, question/answer.
2 ANDREW MUNDAY: Uh-huh.
3 MS. TANNER: And this actually isn't -- this part
4 isn't very long, but I will represent to you that this is
5 the visit to Latham Hall.
6 ANDREW MUNDAY: Okay.
7 MS. TANNER: In looking at this, can you explain
8 to me why this isn't in like the question/answer,
9 question/answer, but is instead in this more narrative form?
10 ANDREW MUNDAY: And this is right in the middle of
11 the --
12 MS. TANNER: Uh-huh.
13 ANDREW MUNDAY: -- the interview.
14 MS. TANNER: These are -- yeah. So if you go --
15 these are -- all the interviews are kind of strung -- I
16 guess for lack of a better term -- strung together.
17 MS. MATOIAN: Across multiple dates.
18 ANDREW MUNDAY: Yeah.
19 MS. TANNER: Across multiple dates. But, yes,
20 you're exactly right. So right before here we're in an
21 interview. And then we go to the college. And this -- the
22 date on this is October 26, if I'm remembering that
23 correctly.
24 ANDREW MUNDAY: I can't figure how this would get
25 in the middle of that.

1 MS. TANNER: Oh, okay. What do you mean by that?
2 ANDREW MUNDAY: Well, I just -- it's -- it's
3 unusual I would think that --
4 MS. TANNER: I was trying to find the date.
5 ANDREW MUNDAY: -- that this report would get in
6 the middle of this question and answer thing. I don't
7 exactly understand that. But let me look this over here a
8 minute.
9 MS. TANNER: Yeah. It's October 26th. It's right
10 there. Which is the visit -- the day the visit to the
11 campus happened.
12 ANDREW MUNDAY: This is Detective Holder's
13 comments here.
14 MS. TANNER: Okay.
15 ANDREW MUNDAY: I remember vaguely -- I remember
16 this, going over there with him. I didn't remember Chief
17 Adams going with us until I read this, but I -- I remember
18 that now.
19 MS. TANNER: Okay. Sure. That's why we brought
20 the documents.
21 ANDREW MUNDAY: Right.
22 MS. TANNER: So I see that this is in the middle.
23 And I'll tell you -- and I'm happy to look at these with
24 you. I don't have what is like a question/answer,
25 question/answer from the visit to the college. Would that

1 have been something you would have transcribed in that way?
2 ANDREW MUNDAY: You don't have one about the visit
3 to the college?
4 MS. TANNER: I have these investigative notes. So
5 let me be clear. What I have are these like --
6 ANDREW MUNDAY: Okay.
7 MS. TANNER: -- what this narrative -- what is
8 like a narrative paragraph. Those are my words describing
9 it.
10 ANDREW MUNDAY: Right.
11 MS. TANNER: But what I don't have is like -- so
12 here it says we -- "We went to the college and we just
13 returned from the campus." And then there's a question
14 answer with him after returning. I think what I want to
15 make sure of is we -- would there be a question/answer,
16 question/answer from while you were at the college -- and
17 it's now University -- but while you were at the college
18 walking around with him?
19 ANDREW MUNDAY: Evidently not.
20 MS. TANNER: Okay.
21 ANDREW MUNDAY: I would think not.
22 MS. TANNER: Okay. And if there was, that would
23 have been transcribed and put in the file?
24 ANDREW MUNDAY: Yes, yes.
25 MS. TANNER: Okay.

1 ANDREW MUNDAY: Bad spirits.
2 MS. TANNER: Do you remember in this case the
3 legal fight, for lack of a better term, about Mr. Blackmon's
4 statements to you guys being suppressed?
5 ANDREW MUNDAY: Now that you mention it, I think I
6 might have -- that could have happened.
7 MS. TANNER: Mr. Blackmon was represented by
8 Mr. Manning --
9 ANDREW MUNDAY: Yes.
10 MS. TANNER: -- at the time.
11 ANDREW MUNDAY: Yeah.
12 MS. TANNER: What --
13 ANDREW MUNDAY: Howard --
14 MS. TANNER: Go ahead.
15 ANDREW MUNDAY: Howard Manning?
16 MS. MATOIAN: Tommy.
17 MS. TANNER: Tommy Manning.
18 ANDREW MUNDAY: Tommy Manning. That's right,
19 yeah.
20 MS. TANNER: What do you remember --
21 ANDREW MUNDAY: Good lawyer.
22 MS. TANNER: So -- so we hear.
23 ANDREW MUNDAY: Good lawyer.
24 MS. TANNER: What do you remember about the legal
25 argument about suppressing Mr. Blackmon's statements?

1 ANDREW MUNDAY: I just remember the show.
2 MS. TANNER: The show?
3 ANDREW MUNDAY: Yeah.
4 MS. TANNER: Tell me about that.
5 ANDREW MUNDAY: Well, he was a great lawyer and
6 he -- he put a show on in the courtroom, you know, defending
7 this guy.
8 MS. TANNER: What was -- when you were -- is it
9 correct -- let me ask you this: Is it correct to call these
10 conversations with Mr. Blackmon interrogations?
11 ANDREW MUNDAY: I would call these interviews.
12 MS. TANNER: Interviews, okay.
13 ANDREW MUNDAY: Interrogation is something that I
14 think about getting a person in a confined area.
15 MS. TANNER: Okay.
16 ANDREW MUNDAY: And kind of putting the pressure
17 on them if needed to be. In this place -- case, James was
18 cooperating. And we were being just as good to him, nice to
19 him as we could in order to get him to talk to us.
20 MS. TANNER: Okay. Let me back up a question. Do
21 you recall Ms. Edwards -- if her name appears as being --
22 let me ask it this way: If her name appears as being
23 involved in the interviews in these transcripts, would you
24 have any reason to disagree with what's here, that she was
25 involved?

1 ANDREW MUNDAY: I don't remember her being
2 involved in it.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: And in going over to the college
5 and all that, is that what you're saying?
6 MS. TANNER: No, sir. Just in general in one of
7 the interviews with Mr. Blackmon.
8 ANDREW MUNDAY: Maybe so.
9 MS. TANNER: Okay.
10 ANDREW MUNDAY: Could have been.
11 MS. TANNER: Was that something that was
12 relatively routine, that she might sit in or any of the
13 district attorneys might sit in on interviews?
14 ANDREW MUNDAY: It was something that occasionally
15 happened, but it was not a routine thing.
16 MS. TANNER: Okay. Why would participate?
17 ANDREW MUNDAY: I don't know. Some -- some
18 special interest, something they wanted to hear. I don't
19 know.
20 MS. TANNER: Okay. Do you know if Ms. Edwards
21 participated in these interviews because she had previous
22 knowledge of Mr. Blackmon?
23 ANDREW MUNDAY: I don't remember that.
24 (Inaudible.)
25 MS. TANNER: Okay. Okay. Let's go back to the

1 legal dispute. And I'm -- I'm sorry, I took the statements
2 away from you, but I'm happy --
3 ANDREW MUNDAY: That's okay.
4 MS. TANNER: -- to give them back if you want
5 them.
6 ANDREW MUNDAY: I don't need them.
7 MS. TANNER: I think I'm going to be like that if
8 I ever retire.
9 What was your perception of Mr. Blackmon's mental
10 capacity when you were talking to him? And I know you're
11 not a doctor, but I'm asking you --
12 ANDREW MUNDAY: Yeah, I know.
13 MS. TANNER: -- your perception as a -- as a
14 police officer and investigator.
15 ANDREW MUNDAY: James, when you got out and got in
16 a conversation with him, he could communicate with you
17 pretty good, you know, question and answers. And he was --
18 he was a little far out on things, you know. And he acted
19 crazy back when he was walking the streets and all this kind
20 of stuff. But once you get to know him, once he felt
21 comfortable with you, he would talk to you and cooperate,
22 you know.
23 MS. TANNER: When you say he was crazy out on the
24 streets, can you explain to me how that might relate to him
25 being dangerous, if that's correct, out on the streets?

1 ANDREW MUNDAY: Well, he -- at this time he had
2 long dreadlocks.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: Matted dreadlocks, you know. And
5 he wore a cape --
6 MS. TANNER: Okay.
7 ANDREW MUNDAY: -- like Superman or somebody.
8 And -- and everybody -- a lot of people were afraid of him.
9 MS. TANNER: And where was this?
10 ANDREW MUNDAY: Just when -- when he was walking
11 the streets.
12 MS. TANNER: In Raleigh or in --
13 ANDREW MUNDAY: Yes. In Raleigh is mainly what I
14 -- the only place I can talk about. And we -- Holder and I
15 got him accustomed to coming to the investigative division
16 on his own. And anytime he'd come in, we'd take him back
17 and sit down and talk to them. And the -- the detective who
18 worked the front desk -- he was an old guy -- he was afraid
19 of James. But James was -- his persona was, you know,
20 something from far out.
21 MS. TANNER: He was far out?
22 ANDREW MUNDAY: Yes. And on one occasion, we
23 carried him to Dorothea Dix. He called us up and told me he
24 wanted to go. He was feeling bad, bad spirits. And of
25 course, we'd load him up and take him over there.

1 And on one occasion, we were there -- and James
2 was very -- we could communicate good with him, do anything
3 we needed to do and he wanted to. But while we were there,
4 an NC State football player, black guy, went berserk and he
5 was being admitted. And they had him in one of those padded
6 rooms and it had the little square window that you could
7 look through and see him. He was locked up and we were out
8 here with James. And that kinda set James off, that guy
9 raising cane and cussing and all this kind of stuff. He
10 said, Let me in there with him. I can get him. I can shut
11 him up. And he would have went in if -- if anybody would
12 have let him. Of course we didn't.
13 MS. TANNER: Right.
14 ANDREW MUNDAY: But...
15 MS. TANNER: So tell me a little bit -- because
16 you said he came with dreadlocks. Do you -- did he have
17 facial hair at the time when you were talking to him in the
18 '80s?
19 ANDREW MUNDAY: I think so.
20 MS. TANNER: Okay. Did you ever remember a time
21 where Mr. Blackmon did not have facial hair?
22 ANDREW MUNDAY: I don't recall a time.
23 MS. TANNER: Okay. And the dreads, did he have
24 the dreads the whole time you were working with them or did
25 he eventually get rid of them?

1 ANDREW MUNDAY: I think he had them the whole
2 time.
3 MS. TANNER: Okay.
4 ANDREW MUNDAY: I can't remember when we were in
5 court whether he had them or not, but I believe he did.
6 MS. TANNER: Okay. Was there ever a time when you
7 talked with him about going and getting the dreads cut off
8 or looking less scary?
9 ANDREW MUNDAY: James was -- even though he was a
10 street person, he was -- he kept hisself clean. He would go
11 in public places and bathrooms and -- and -- and wash up at
12 the sink and all this kind of stuff. He properly did take
13 baths, but he -- he tried to keep himself clean. And it
14 seems like to me, we might have carried him one time to
15 get -- to get a haircut, but I can't swear to that out.
16 MS. TANNER: Okay. And why would you have carried
17 him to get a haircut? I know he had those dreads, but --
18 ANDREW MUNDAY: Just -- just cooperating with
19 them.
20 MS. TANNER: Cooperating with him.
21 ANDREW MUNDAY: To win him over that much more.
22 We carried him to Lumberton for Thanksgiving --
23 MS. TANNER: Yeah, I saw that. I actually have
24 that --
25 ANDREW MUNDAY: -- to be with his family.

1 MS. TANNER: I have that -- I have that in the
2 medical records where --
3 ANDREW MUNDAY: Yeah.
4 MS. TANNER: -- he was carried there.
5 ANDREW MUNDAY: Which was an unusual thing.
6 MS. TANNER: That was unusual (inaudible).
7 ANDREW MUNDAY: Yeah.
8 MS. TANNER: So I want to talk to you about him
9 coming in. So Mr. Blackmon would just voluntarily come in
10 and visit you guys. Were you ever concerned about
11 Mr. Blackmon being out on the street given your suspicion
12 that he was involved in this case?
13 ANDREW MUNDAY: You know, as I recall now, I -- I
14 would take James as a person that could be involved in
15 something like that, but I never felt threatened, especially
16 after we got to know him --
17 MS. TANNER: Okay.
18 ANDREW MUNDAY: -- you know. I never felt
19 threatened. And, you know, I don't know -- I don't know how
20 he would be out on the street.
21 MS. TANNER: Right. So -- so that's actually one
22 of my questions in this case because I -- like I told you
23 when we first started, I don't --
24 ANDREW MUNDAY: Yeah.
25 MS. TANNER: -- I'm not a police officer. I'm not

1 an investigator with -- with the police. So on the back
2 end, it's different for us.
3 ANDREW MUNDAY: You're doing pretty good.
4 MS. TANNER: You started talking -- well, thank
5 you. I appreciate that. I will tell you flattery might
6 make me move faster, but I'm not sure about that.
7 You started talking to Mr. Blackmon sometime in
8 October, like in early October. And I've got those
9 statements here. At least that's like when the first
10 statements started. He wasn't arrested until sometime in
11 December. Why did that happen? Why was there such a space
12 between when you first started getting statements from him
13 and when he was arrested?
14 ANDREW MUNDAY: I think we were building a case
15 during that time or trying to get enough evidence that we
16 felt like we could make a charge.
17 MS. TANNER: Okay. If you had been concerned
18 about Mr. Blackmon out in the community, would that have
19 affected when you arrested him or not at all?
20 ANDREW MUNDAY: I would think whenever we felt
21 like we had enough to make a charge, that's what determined
22 whether we arrested him or not.
23 MS. TANNER: Okay. The issue of safety was
24 separate?
25 ANDREW MUNDAY: Yeah. I think so.

1 MS. TANNER: Okay. So I do have now what we've
2 marked as Exhibit 6, which is some select medical records.
3 It's not all the records we received in the file, it's just
4 some select medical records. And I want to show you these.
5 And you're welcome to look at them. I've highlighted some
6 places because that's what -- I'm here talking to
7 detectives, so right, like so that's what I've highlighted.
8 But if you look at Exhibit 6 on page what is marked at the
9 bottom 91 in the right, there's a discussion here about the
10 possible release of Mr. Blackmon and that they're going to
11 call the Raleigh Police Department.
12 Can he explain to me, because I just don't know
13 how this process works, why Dix would be contacting RPD
14 about the release of any patient?
15 ANDREW MUNDAY: Because we had gone over there
16 and -- and talked to somebody and -- and told them to let us
17 know when he was going to be released.
18 MS. TANNER: Okay. So that wasn't like some
19 practice that just anybody --
20 ANDREW MUNDAY: No, no.
21 MS. TANNER: -- that was like I've let them know?
22 ANDREW MUNDAY: Right.
23 MS. TANNER: Okay. Then I have a note here from
24 10/31/18. And it's hard to read these. I think medical
25 providers have the worst handwriting in the world, but where

1 there's an indication that Mr. Blackmon is going off campus
2 to meet with the Raleigh detectives. We don't actually have
3 a record from 10/31/83 from him meeting with you.
4 Understanding that, would you have any reason to dispute
5 that the nurse at least believed that he was going to meet
6 with you on that date?
7 ANDREW MUNDAY: No. I would think that she
8 thought he was going to meet with us and -- and whether he
9 met with us or not -- evidently he didn't if there's not a
10 record of it.
11 MS. TANNER: Okay.
12 ANDREW MUNDAY: But, you know, I don't -- I
13 don't -- I don't know.
14 MS. TANNER: Separate question, right?
15 ANDREW MUNDAY: Yeah. Whenever James got out on
16 the street, you know --
17 MS. TANNER: Uh-huh.
18 ANDREW MUNDAY: -- he was on his own, you know.
19 Ain't no telling where he would go off or what he would do.
20 MS. TANNER: What he would do.
21 ANDREW MUNDAY: And -- and during that time, I
22 don't think he was particular harmful to anybody, but he
23 would stand up for hisself if he needed to.
24 MS. TANNER: Okay. That's the kind of person he
25 was?

1 ANDREW MUNDAY: Yes.

2 MS. TANNER: Okay. I do have one more question --

3 oh, here where they're talking to -- it's the bottom of 142,

4 Mr. Blackmon refers to you as -- you and -- both of you, the

5 detectives, as his "friends." Does that surprise you that

6 he felt like you guys were his friends?

7 ANDREW MUNDAY: Not at all.

8 MS. TANNER: Okay.

9 ANDREW MUNDAY: We did everything we could do to

10 befriend him.

11 MS. TANNER: Befriend him?

12 ANDREW MUNDAY: Yeah.

13 MS. TANNER: And then my last question -- let me

14 make sure I've got it right. Yeah. I see right here where

15 he's discharged -- this is the bottom of page 155 -- with

16 Raleigh police to Lumberton. And that was on November 18,

17 '83. And you remember that as taking him home --

18 ANDREW MUNDAY: Yeah.

19 MS. TANNER: -- for Thanksgiving?

20 Let me see if I can find -- okay. That's all I

21 have out of that. I can't remember if I asked you this, but

22 did you take Mr. Blackmon for an in-person lineup?

23 ANDREW MUNDAY: I don't recall, but I -- I

24 don't -- I don't know.

25 MS. TANNER: Jackie Kelly was one of the witnesses

1 in this case. Do you remember Ms. Kelly?
2 ANDREW MUNDAY: I do. I vaguely remember that
3 name now.
4 MS. TANNER: Okay. I believe -- I'm not sure if
5 it was in the early '80s when you were interviewing
6 everyone, but I do know at least in '79 she -- her hair
7 looked like red or like at different -- it was like a -- you
8 know, she dyed her hair like either a blond or a red.
9 ANDREW MUNDAY: Yeah.
10 MS. TANNER: Does that help you remember her?
11 ANDREW MUNDAY: I think I remember her.
12 MS. TANNER: Do you --
13 ANDREW MUNDAY: I believe she lived in Winterville
14 or somewhere like that.
15 MS. TANNER: Okay.
16 ANDREW MUNDAY: It seems like we went to her
17 house.
18 MS. TANNER: Okay. Yeah. She was actually at
19 Fort Benning --
20 ANDREW MUNDAY: Okay.
21 MS. TANNER: -- in Georgia.
22 ANDREW MUNDAY: Yeah.
23 MS. TANNER: Do you remember that?
24 ANDREW MUNDAY: Yes.
25 MS. TANNER: Okay.

1 ANDREW MUNDAY: Yeah.
2 MS. TANNER: Okay. Tell me what you remember
3 about talking with her, if anything.
4 ANDREW MUNDAY: Other than just going down there
5 to talk with her.
6 MS. TANNER: Okay.
7 ANDREW MUNDAY: And nothing stands out.
8 MS. TANNER: Would you -- do you recall bringing
9 her back to do -- to view an in-person lineup in this case?
10 ANDREW MUNDAY: You know, I'm not sure that I --
11 the more I think about it that I actually went with them --
12 MS. TANNER: Okay. Somebody else went?
13 ANDREW MUNDAY: -- to Fort Benning.
14 MS. TANNER: Okay.
15 ANDREW MUNDAY: I just remember that -- that was
16 the case. Does it say anything about me?
17 MS. TANNER: She just recalls that piece.
18 ANDREW MUNDAY: Okay.
19 MS. TANNER: So I'm just asking if you remember
20 that. I don't know that I -- I saw --
21 ANDREW MUNDAY: I mean I don't think it would have
22 been unusual --
23 MS. TANNER: I think I have --
24 ANDREW MUNDAY: -- that if --
25 MS. TANNER: -- I think I have the interview --

1 ANDREW MUNDAY: -- if she were here that we might
2 have a live lineup with him.
3 MS. TANNER: Right.
4 ANDREW MUNDAY: But I don't recall whether we did
5 or not.
6 MS. TANNER: Would it be unusual if she was
7 willing for her to come back from Fort Benning and
8 participate in a live lineup?
9 ANDREW MUNDAY: I would think she would have to
10 have a lot of stuff cleared in order to do that or be on her
11 own personal time.
12 MS. TANNER: Okay.
13 ANDREW MUNDAY: Have some kind of leave.
14 MS. TANNER: Okay. So here is -- this is
15 another -- another note. And I think I might be on -- I
16 don't know what Exhibit. I'm just going to call it 18 even
17 if I'm skipping around so I don't miss it. But this is an
18 11/5 note from Dorothea Dix. It's pages 142 and 143. You
19 can read the whole note. It kind of starts right here. But
20 Mr. Blackmon -- this is 11/5 and he's talking about that he
21 did to get a cut and he was well groomed. And that he said
22 "This is the new James Blackmon." Does that --
23 ANDREW MUNDAY: Yes.
24 MS. TANNER: -- does that refresh your
25 recollection?

1 ANDREW MUNDAY: Very -- very much.
2 MS. TANNER: Okay. Tell me what you remember now
3 about that.
4 ANDREW MUNDAY: I just I remember him getting
5 cleaned up and -- and he probably did get a haircut. And --
6 and he was calling himself "The new James Blackmon."
7 MS. TANNER: Okay.
8 ANDREW MUNDAY: "The good one."
9 MS. TANNER: And you had said that it's possible
10 that you guys took him to run that errand. Does this
11 refresh your recollection --
12 ANDREW MUNDAY: Yes.
13 MS. TANNER: -- now that you guys --
14 ANDREW MUNDAY: Pretty much.
15 MS. TANNER: -- took him?
16 ANDREW MUNDAY: Yeah.
17 MS. TANNER: Okay. You remember taking him; is
18 that right?
19 ANDREW MUNDAY: Yeah, I think so.
20 MS. TANNER: Okay. Now, let's see. I think --
21 let's get -- I just want to go back really quickly to this
22 piece about Mr. Blackmon and the statements. And I know you
23 recall the fight because Mr. Manning -- I mean I think, you
24 know, he thought this was the issue in the case. That's
25 what was litigated in the case.

1 Were there ever any questions in your mind from
2 your perspective as a police investigator about
3 Mr. Blackmon's statements?
4 ANDREW MUNDAY: Ask that one more time.
5 MS. TANNER: Sure. As a police investigator --
6 because I understand --
7 ANDREW MUNDAY: Okay.
8 MS. TANNER: -- you know --
9 ANDREW MUNDAY: Okay.
10 MS. TANNER: -- were there any questions in your
11 mind about Mr. Blackmon's statements?
12 ANDREW MUNDAY: In what way?
13 MS. TANNER: Let's break it up. Were there any
14 questions in your mind about Mr. Blackmon's ability to
15 correctly recall information?
16 ANDREW MUNDAY: I don't think so.
17 MS. TANNER: Okay. Were there any questions in
18 your mind about Mr. Blackmon's mental health as it related
19 to providing you with those statements?
20 ANDREW MUNDAY: You know, he seemed -- when you
21 got him in cooperative surroundings, he seemed like you
22 could communicate back and forth with him. He seemed fine.
23 MS. TANNER: Were there any questions in your mind
24 about Mr. Blackmon's abilities as a historian when you were
25 talking with him?

1 ANDREW MUNDAY: I don't think so, no.
2 MS. TANNER: Okay. You know the checks are good,
3 right? That means I'm -- that means I'm getting through it.
4 I'm done.
5 ANDREW MUNDAY: It's good for you.
6 MS. TANNER: Yeah. Well, it's helpful.
7 I'm going to now show you what -- I think I just
8 did 18, right, Catee?
9 MS. MATOIAN: Uh-huh.
10 MS. TANNER: I'm going to now show you what I've
11 marked -- I'm going to mark as 20. And I'll tell you that
12 this is a portion of Mr. Manning's Motion to Suppress.
13 MS. MATOIAN: Uh-huh.
14 MS. TANNER: So that is the -- as you probably
15 remember this, the motion to say the statements are no good.
16 And I'm going to let you read this top paragraph. Now this
17 is his motion, okay --
18 ANDREW MUNDAY: Okay.
19 MS. TANNER: -- so this is what he wrote. And
20 this top paragraph is talking about the file and how it was
21 gotten. I know you had indicated that that looked like
22 something that Mr. Holder had written, but I want to read
23 this and see if that refreshes your recollection any about
24 how the records were gotten and what happened with those.
25 I hear Law and Order.

1 MS. MATOIAN: Before you know it, you've watched
2 20 episodes and haven't gotten off the couch for --
3 MS. TANNER: That's true. I'm sorry.
4 MS. MATOIAN: -- (inaudible).
5 ANDREW MUNDAY: Okay.
6 MS. TANNER: Does that paragraph at all that talks
7 about y'all -- at least I think Holder. I don't know if it
8 says your name as well -- but went down to Dix and picked
9 out the relevant records, does that help you remember at
10 all?
11 ANDREW MUNDAY: Holder goes over to Dorothea Dix
12 on 9/20 or 9/21 with Detective Munday and reviews Blackmon's
13 entire file.
14 MS. TANNER: Okay. Does that help you remember as
15 to whether you brought back the whole file or if you just
16 picked out the pieces that were relevant?
17 ANDREW MUNDAY: Based on what's in here so far, we
18 must have picked out certain parts.
19 MS. TANNER: Certain parts. Okay.
20 ANDREW MUNDAY: Yeah.
21 MS. TANNER: Okay. Okay. Thank you. We're doing
22 pretty good here. Let's see.
23 This is kind of a random question, but it is a
24 question that I have. How -- how did you deal with
25 fingerprints at the crime scene? I know CCBI would come in

1 when the crime happened, right, and would process the crime
2 scene. As an investigator, what would have been your
3 practice in the late '70s, early '80s as it related to
4 getting or requesting that they get elimination prints?
5 ANDREW MUNDAY: I would think that we would do
6 that, you know.
7 MS. TANNER: Was it that CCBI would come up and --
8 ANDREW MUNDAY: Yes.
9 MS. TANNER: -- tell you what the elimination
10 prints --
11 ANDREW MUNDAY: Oh, yeah.
12 MS. TANNER: -- should be or would you say to
13 them, hey, listen, so that -- we'll just take this case as
14 an example, right -- hey, listen -- in this case. I know
15 you came on later, but in this case there's, you know,
16 15 women using this bathroom --
17 ANDREW MUNDAY: Uh-huh.
18 MS. TANNER: -- will you go print them. Would
19 that be a request that would come from you or would that be
20 something that CCBI would come up with?
21 ANDREW MUNDAY: That -- that would probably come
22 from us.
23 MS. TANNER: From the investigators?
24 ANDREW MUNDAY: Yeah.
25 MS. TANNER: Okay. Do you remember at any --

1 would be -- well, let me ask it this way. Would you have
2 documented, like, hey, I asked CCBI to go take elimination
3 prints in this case?
4 ANDREW MUNDAY: I would -- I would think so.
5 MS. TANNER: Okay.
6 ANDREW MUNDAY: And I would think that CCBI would
7 document --
8 MS. TANNER: That they had taken them.
9 ANDREW MUNDAY: -- that they had done it, you
10 know, and make it a part of our file.
11 MS. TANNER: Okay. How about as it might relate
12 to a victim, what was your practice, if you can remember,
13 about getting elimination prints from a victim in a case,
14 was that routine or did it depend on the case?
15 ANDREW MUNDAY: I think it would depend on the
16 case.
17 MS. TANNER: Depend on the case.
18 ANDREW MUNDAY: Yeah.
19 MS. TANNER: Okay. And if you requested
20 elimination prints from a victim, would you have documented
21 that --
22 ANDREW MUNDAY: Sure.
23 MS. TANNER: -- as well? Okay.
24 Sorry, that's a little -- that was a little bit of
25 an aside. I've just got a few more questions, but I want to

1 make sure. Catee, do you have any other questions?
2 MS. MATOIAN: Uh-uh.
3 MS. TANNER: Okay. I do have a --
4 MS. MATOIAN: Is -- is this a recording device?
5 MS. TANNER: It is. It is. I'm sorry, we
6 did this --
7 ANDREW MUNDAY: That's all right.
8 MS. TANNER: Yes, sir, it is.
9 ANDREW MUNDAY: Technology has come a long way
10 from when we used to do it.
11 MS. TANNER: Yeah, it is. And so I even have kind
12 of the old one. This is the newer fancy one.
13 MS. MATOIAN: This one --
14 ANDREW MUNDAY: Yeah.
15 MS. MATOIAN: -- is apparently very adept at
16 getting rid of -- filtering out the background noise.
17 ANDREW MUNDAY: Oh, yeah.
18 MS. MATOIAN: Because we are frequently in a
19 trailer on a highway --
20 ANDREW MUNDAY: Sure.
21 MS. MATOIAN: -- with a lot of noise in the
22 background and this is very -- very helpful.
23 MS. TANNER: Or I'm aggravating my lady --
24 ANDREW MUNDAY: Yeah.
25 MS. TANNER: -- because I'm shuffling paper.

1 ANDREW MUNDAY: That's nice equipment there.
2 MS. TANNER: What was your -- that is an
3 interesting question because we were talking about going on
4 campus. What was your equipment like back then, was it
5 transportable?
6 ANDREW MUNDAY: Oh, yeah.
7 MS. TANNER: Okay.
8 ANDREW MUNDAY: Little small.
9 MS. MATOIAN: The microcassettes?
10 ANDREW MUNDAY: Yeah. Microcassettes, yeah.
11 MS. TANNER: Microcassettes. Okay. Interesting.
12 Do you recall ever providing information to the
13 Parole Commission about Mr. Blackmon?
14 ANDREW MUNDAY: To the Parole Commission?
15 MS. TANNER: Yes, sir.
16 ANDREW MUNDAY: I don't remember anything like
17 that.
18 MS. TANNER: Okay.
19 ANDREW MUNDAY: He hasn't been paroled, has he?
20 MS. TANNER: He has not. If he is -- he is still
21 in prison. If the Parole Commission reported -- and I -- I
22 don't have the author of this -- that Detective Holder said
23 that this subject, Mr. Blackmon, is a very, very sick person
24 who has a lot of mental problems, would that surprise you?
25 ANDREW MUNDAY: No. Because in one way you -- you

1 can look at James as being that way. But then in another
2 way you can look at him not.
3 MS. TANNER: Okay. What do you mean by --
4 ANDREW MUNDAY: In certain circumstances in
5 dealing with us, he -- he was fine. As long as everything
6 was going his way and -- and he was relatively easy to deal
7 with as long as things were going his way, you know.
8 MS. TANNER: He was fine?
9 ANDREW MUNDAY: Yeah.
10 MS. TANNER: So I do have a question about -- and
11 these are just -- what I have here is the parole records.
12 And you know they do those official crime versions which
13 are -- it's not even really clear where those always come
14 from, to be frank with you. But sometimes in reading those,
15 I want to make sure that I'm understanding.
16 This official crime version right here says that
17 Mr. Blackmon entered a female dormitory at Saint Augustine's
18 College campus in Raleigh by use of a fire exit. Do you
19 ever recall any evidence that suggested that Mr. Blackmon
20 came in the fire exits of Latham Hall?
21 ANDREW MUNDAY: The only thing that I recall is
22 James telling us that's where he went in.
23 MS. TANNER: Okay.
24 ANDREW MUNDAY: Now, maybe there was some other
25 evidence, but I can't remember it right now.

1 MS. TANNER: Right. No, that's okay. When you
2 went to Latham Hall, did the fire exits open from the
3 outside?
4 ANDREW MUNDAY: No.
5 MS. TANNER: Okay. So to enter from the fire
6 exits, the -- the door would have had to have been open --
7 ANDREW MUNDAY: Yes.
8 MS. TANNER: -- already? Okay.
9 ANDREW MUNDAY: And I think routinely the girls
10 left it that way so somebody could come in and out.
11 MS. TANNER: Oh, the fire exits --
12 ANDREW MUNDAY: Yeah.
13 MS. TANNER: -- they propped it open?
14 ANDREW MUNDAY: Put a little -- a little thing in
15 there to keep it from closing.
16 MS. TANNER: Was it alarmed at the time?
17 ANDREW MUNDAY: I don't think it was.
18 MS. TANNER: You don't think it was. Okay.
19 ANDREW MUNDAY: I don't think it was.
20 MS. TANNER: This also says, "Mr. Blackmon grabbed
21 a female when she was in the bathroom and stabbed her
22 several times in the base of her neck."
23 Do you recall this having several stab wounds or
24 just one?
25 ANDREW MUNDAY: I can't recall.

1 MS. TANNER: Okay. And you wouldn't have any
2 reason to disagree with --
3 ANDREW MUNDAY: No.
4 MS. TANNER: -- the autopsy report, right?
5 ANDREW MUNDAY: No.
6 MS. TANNER: Okay. The next question I have is
7 this other -- another crime version that says that
8 "Mr. Blackmon hid in the bathroom in one of the toilet
9 stalls. He stood on the back of the toilet so that his feet
10 could not be seen underneath the stall door."
11 Do you remember that being a fact of this case?
12 ANDREW MUNDAY: I remember -- it seems like I
13 remember James telling us that.
14 MS. TANNER: Telling us that. Okay.
15 ANDREW MUNDAY: Yeah.
16 MS. TANNER: And -- Okay. Okay. That makes
17 sense. Okay.
18 I don't think -- well, I do have kind of one
19 follow -- like one end-all question, but do you have
20 anything else?
21 One of the things that I like to ask folks that we
22 talk to is, you know, we come and we've got certain things
23 in a file that we have questions of you about. But what I
24 want to know from you is, is there anything about this case
25 that you think is important for us to know that I may not

1 have asked you about?

2 ANDREW MUNDAY: I remember asking those questions

3 myself when I was winding up. No, I can't think of

4 anything.

5 MS. TANNER: Okay. The Commission hearing in this

6 case is set for November 14th through 16th, so that is

7 coming right up around the corner.

8 ANDREW MUNDAY: Yeah.

9 MS. TANNER: The -- I know --

10 ANDREW MUNDAY: What kind of hearing is that?

11 MS. TANNER: This is the Commission hearing, the

12 one that's --

13 ANDREW MUNDAY: Oh, okay. That's right.

14 MS. TANNER: -- neutral.

15 We do have -- we do -- it's routine for us to

16 subpoena law enforcement, however you won't be expected to

17 be there all three days. And, in fact, you may not be

18 needed at all.

19 MS. MATOIAN: Be needed at all. It's really up to

20 the commissioners.

21 MS. TANNER: It's really kind of up to the

22 commissioners. What I want to do -- I think I probably have

23 a good phone number for you, but I want to make sure I get

24 that phone number written down here on my notes today.

25 ANDREW MUNDAY: So this means I'm served?

MS. TANNER: It does. Because what I'll do is I will contact you probably that Tuesday before the hearing and be like, hey, this is when we anticipate you'll be needed. And then I'll probably even tell you, but I'll call you back and tell you if you should even come down here. Because luckily, y'all are just right here in Raleigh --

ANDREW MUNDAY: Yeah.

MS. TANNER: -- and so it's like I can be like, hey, commissioners, he can be here in a few minutes. But I do want to know from you about any conflicts you might have because we do our best to try and work around people's schedules.

ANDREW MUNDAY: Not that I know of.

MS. TANNER: Okay.

ANDREW MUNDAY: Like I think the only conflict I have is when to go to which doctor's appointment.

MS. TANNER: I completely understand that.

MS. MATOIAN: Those are important.

MS. TANNER: Those are important, yeah. So the number --

[redacted]

1 [redacted]

2 [redacted]

3 [redacted]

4 [redacted]

5 MS. TANNER: Okay. All right. I really

6 appreciate this. This was actually really helpful in

7 understanding.

8 ANDREW MUNDAY: Well, I tell you, I'm -- I'm

9 really rusty.

10 MS. MATOIAN: No, you're really not.

11 ANDREW MUNDAY: I really rusty. And I do have

12 some memory issues.

13 MS. TANNER: Tell me about those.

14 ANDREW MUNDAY: Well, I'm just -- things that --

15 short-term stuff, I can't remember well. Several times

16 during this conversation here I -- I was trying to think of

17 the word I was trying to use and couldn't -- couldn't pull

18 it up or whatever, you know. But I just want you to know

19 that.

20 MS. TANNER: No, that's okay. I think you did a

21 pretty good job. But if there's anything we should know

22 specific to you -- though this is probably now in your

23 long-term memory.

24 MS. MATOIAN: That's right.

25 MS. TANNER: Twenty years -- but if there's

anything specific to your memory that we should be aware of, just let us know.

ANDREW MUNDAY: Okay. No problem.

MS. TANNER: Alrighty.

MS. MATOIAN: We appreciate that so much.

MS. TANNER: Thank you so much. That's for you.

ANDREW MUNDAY: All right.

MS. MATOIAN: For letting us take over your room for a few.

MS. TANNER: Yeah. I'm sorry.

MS. MATOIAN: I'm sure --

ANDREW MUNDAY: No problem.

MS. TANNER: This is certainly --

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted].

[redacted]

MS. MATOIAN: Yeah.

MS. TANNER: Can we go out this door?

MS. MATOIAN: Yeah, that good luck -- we'll leave through the good luck door and that will counteract --

MS. TANNER: Yeah.

MS. MATOIAN: -- entering through the bad luck door.

MS. TANNER: The bad luck door. Thank you so much.

MS. MATOIAN: Thank you again.

ANDREW MUNDAY: You ladies have a good day.

MS. TANNER: You too.

MS. MATOIAN: You too.

ANDREW MUNDAY: (Inaudible.)

1 MS. MATOIAN: Okay.

2 (End of recording.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the 85 pages of this transcript of the recorded interview of Andrew Munday was taken on November 1, 2018, is a true and accurate transcript to the best of my ability.

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

This the 2nd day of November 2018.

Donna Rowe
1040 Lake Shore Drive
Wendell, NC 27951
919.649.1656
ddrsteno@gmail.com

JAMES HOLDER (10/30/2018) AND ANDREW MUNDAY (11/1/2018) INTERVIEW EXHIBIT LIST

- Ex. 1: Task force report (2/4/1981) (Attached here).
- Ex. 2: Order for Dorothea Dix Records (9/20/1983) (Attached here).
- Ex. 3: report re: Blackmon's Dorothea Dix records (9/21/1983) (Attached here).
- Ex. 4: RPD Report re: Dorothea Dix Source (In Brief – pg. 227-236).
- Ex. 5: Color photo of Polaroid from Book 12 of RPD file (Handout 31).
- Ex. 6: Blackmon's Dorothea Dix Progress Notes (Attached here)
- Ex. 7: SBI Agent Keller Interview Report (7/21/1983) (In Brief – pg. 239-240).
- Ex. 8: RPD report with information on Bridges and Alston murders (8/24/1983) (Attached here).
- Ex. 9: Blackmon's Statements (In Brief – Pg. 364-485).
- Ex. 12: Defendant-Appellant's Brief (In Brief – pg. 534-559)
- Ex. 14: Report re: Visit to St. Augustine's (7/26/1982) (Attached here).
- Ex. 15: RPD Policy re: Documentation (Attached here).
- Ex. 18: Dorothea Dix Progress Notes. (Attached here).
- (No Exhibit Number Given): Parole Commission Summary (Handout 37)

RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT

NO.	OFFENSE	CLASSIFICATION	DATE / TIME OF THIS REPORT	
584771	Criminal Homicide	Murder (Knife)	2/4/81 1400	Page 1 of 4
(LAST, FIRST, MIDDLE) ...con, Helena		ADDRESS Rm. 608, Lathan Hall, St. Augustine's College, Raleigh		

A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE C-WITNESS D-M.O. E-NAMED SUSPECT F-LOCATED SUSPECT G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.

FACTORS FOR INVESTIGATION — FROM CRIME INVESTIGATION REPORT

INVESTIGATIVE NOTES:

On 2/3/81, at approximately 9:15 a.m., the members of the Major Crime Task Force went to St. Augustine's College to view the crime scene. Upon arrival on campus we met with Chief Adams, Chief of St. Augustine's Security. We were escorted to Lathan Hall where we all viewed the crime scene. Chief Adams went over with us what he could remember about the homicide back in September of 1979. Chief Adams gave us a blueprint of Lathan Hall (see attached blueprint). After viewing all aspects of the crime scene, we then left and returned to the Investigative Division to discuss what we had viewed. After the discussion about the crime scene, it was then decided by us that Johnny Carl Avery, who had been previously mentioned in this case (also see Case No. 599935 - rape case), should be investigated as a strong suspect in this case.

Det. Williams and myself went to Records Division and viewed Johnny Carl Avery's record (Avery was convicted in July of 1980, for second degree rape of a coed at NCSU, in which the weapon used was a knife). The below listed information was obtained:

Johnny Carl Avery - Black male
Alias: Karim Hasan Abdullah
DOB: 1/13/53
24 Belmont Drive
Raleigh, NC
Attended Shaw University (did not give dates of attendance)
Worked at Emory Air Freight from 1976 thru 1979; Fast Fare, Raleigh, North Carolina, from 1979 thru 1979; and Goodmark Foods, Garner, North Carolina, from January, 1980, thru March, 1980, at which time he was arrested for rape.
Father: Cleveland Avery, deceased
Mother: Ruth Avery
Black female
Age: 58
2520 Garner Road
Lot 29
Raleigh, NC
Sister: Patricia Avery
Lives with mother
Sister: Betty Lesane
24 Lincoln Terrace
Raleigh, NC

EXHIBIT 1

FACTORS — ELIMINATED BY INVESTIGATION — DEVELOPED BY INVESTIGATION

NG OFFICER — NO. — DIV. — STATUS: UNFOUNDED, PENDING — ARREST-ADULT, ARREST-JUV., EXCEPT. CLEAR — REMAINING FOR INVESTIGATION

SOR APPROVING

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

Brother: Richard Avery
Apex, NC
Works for Pine State Creamery
Sister: Virginia Rodges
Las Vegas, Nevada
School teacher
Sister: Gloria Avery
Lives in New Jersey
Works for Lipton Tea Company
Last married 1/1/74 (did not give wife's name, but is separated from wife, as of approximately a year ago. Wife, whose name is unknown is employed at Shaw University, as of July, 1980.
Subject Avery lived on Sheldon Road for approximately five months. Avery is of the Islamic religion.

In looking over the psychiatrist's report on Avery, the psychiatrist made a statement to the fact that Avery dislikes females, and is hostile toward females. The psychiatrist further stated in the report that Avery is susceptible to homosexuality, and that Avery also would not admit to crime, but tries to justify the crime to himself.

This concluded the viewing of Avery's report with the correctional system. Avery is sentenced to 30 to 40 years in prison on the charge of second degree rape, and is currently in Central Prison.

Upon returning to the Investigative Division, members of the Major Crime Task Force interviewed Det. D. C. Brinson (Brinson was the investigator assigned to this case originally, and also the investigator that investigated the rape case (Case No. 599985) that occurred on 8/23/80). After this interview was concluded, Det. Williams and myself went to Wake County Courthouse and pulled Avery's CCH Record and also had a computerized criminal history record run on him (see attached report). We also pulled the files on the charges that Avery has been charged with, since 1971 (see attached report).

On 2/4/81, at approximately 12:30 p.m., Det. Beasley and myself interviewed St. Augustine's Security Officer William Judkins. Judkins was the security officer working in the a.m. hours of the morning in which the victim was stabbed. The following is a statement that was taken from Officer Judkins.

STATEMENT OF

Security Officer William Judkins
St. Augustine's College
Raleigh, NC
Home Address: 1712 Oakwood Avenue
Raleigh, NC
Tel. 834-2164

n the night, which was, I believe a Thursday night, in the orning hours, would have been Friday morning. I was working 2:30 a.m., Friday morning, until 3:00 a.m., on the morning in uestion. I was coming from Cheshire Building, when I heard some-one hollering, telling me to "stop that man." This was around :00 to 6:30 a.m. This person hollered two or three times to top the man. This person was either on the second or third loor hollering out a window on the southeast side of the building. did recognize this person, it was not quite light at this time. ll I could tell, it was probably a dark skinned female. About his time, I saw a black male walk out the front door. I will ry to describe him for you. I would say that he was 5' tall, aybe ever taller, weight 170 to 180 lbs., medium build, had a airly close afro, medium brown complexion, a light mustache, I ould say pencil thin, no other facial hair that I could tell, aybe a two or three day old beard growth. I was thinking that e might have been wearing thin rim glasses, I am not for sure. e definitely had on a dashiki, maroon or red in color, and lowered. I think he had on jeans with brown or tan boots, but 'm not certain about the footwear. I would say this person was n his mid 20's. He was not wearing any type of hat. I have een him before around campus. I do not know if he is a student, ut I am almost positive I've seen him on campus before this ncident.

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

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

hat's all I can tell you about what I saw and di the
orning i, question. I do think I might be able to recognize
his person, if I was to see him again, I'm not for sure.

INVESTIGATIVE NOTES:

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

imothy Carlos Cox, Barry Wayne Whitley, Nicolas Ricky Street,
eron Crosby, Charlie Reginald Battle, Cornus Garfield Evans, Jr.
ohnny Carl Avery, and Harold Hinton.

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

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

. L. Jones KNT
ajor Crime Division
ajor Crime Task Force

1/4/394

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: CRIMINAL INVESTIVATION))

ORDER

This cause coming on to be heard and being heard before the undersigned Judge Presiding at the September 19, 1983 Criminal Session of Wake County Superior Court upon oral motion of E. Susan Edwards, Assistant District Attorney for the 10th Prosecutorial District, pursuant to G.S. 8-53.3, for disclosure of the complete medical records in the possession, custody or control of Dorothea Dix Hospital concerning the examination and treatment of James Andrew Blackman, and the Court makes the following findings of fact:

1. Helena Peyton was killed on September 28, 1979.

2. James Andrew Blackman fits the physical description of the person seen near the crime scene at the time of the alleged murder.

3. The Raleigh Police Department has received information that Mr. Blackman made incriminating statements concerning his participation in this crime to staff personnel at Dorothea Dix Hospital.

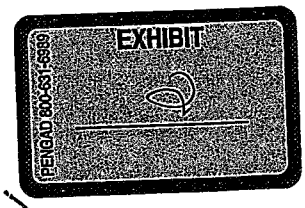
4. The Raleigh Police Department has reason to believe that said statements are contained in Mr. Blackman's medical records at Dorothea Dix Hospital.

5. In order for the State to investigate this case properly, it is necessary to secure the complete medical records in the possession, custody or control of Dorothea Dix Hospital concerning the examination and treatment of James Andrew Blackman.

6. Disclosure of said medical records is necessary to a proper administration of justice.

It is now, therefore, ORDERED, ADJUDGED and DECREED that the custodian of records at Dorothea Dix Hospital provide J. C. Holder, Raleigh Police Department, with the complete medical records in the possession, custody, or control of Dorothea Dix Hospital concerning the examination and treatment of James Andrew Blackman.

This the 20th day of September, 1983.



ER SERVED ON 9-21-83 \ 0957 hrs.
TO: Mrs. V. COUSAR \ DIRECTOR of MEDICAL RECORDS
VIA: JC Holder \ RPD

Judge Presiding

PAUL SPIVEY SERVICES RALEIGH, NC 27614 239787-2

RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT

1. COMPLAINT NO. 558471

OFFENSE: Homicide		3. CLASSIFICATION: Murder	4. DATE/TIME OF THIS REPORT: 9/21/83 1000
VICTIM (LAST, FIRST, MIDDLE): Peyton, Helena		6. ADDRESS: Latham Hall, St. Aug. Coll., Raleigh, NC	Page 1 of

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

SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT

ELIMINATED BY INVESTIGATION

9. DEVELOPED BY INVESTIGATION

SYNOPSIS:

The following information as revealed will be with reference to the examination and treatment of James Andrew Blackman. (This information was obtained as documented by court order, signed on the 20th day of September, 1983, by Judge Ed Preston, being in the general Court of Justice, the Superior Court Division.) Note: See copy of Superior Court Order.

Ms. Vicky Cousar is the Acting Director of Medical Records at Dorothea Dix Hospital. The court order copy was given to the Assistant Director, and the medical records as described in the court order were provided for Detectives J. C. Holder and A. C. Munday for review.

INVESTIGATIVE NOTES:

Special copies of pages that were flagged in the two volumes of medical history will be on file with this case.

J. C. Holder
Investigative Division
RPD - Career Criminal Unit

A. C. Munday
Investigative Division
RPD - Career Criminal Unit

dd/d21

EXHIBIT 3

REPORTING OFFICER | NO. | DIV. | REMAINING FOR INVESTIGATION

DATE	TIME	CODE	PROGRESS NOTES
12-83	9:00 Am	PHCT	(Cont) second hostile toward staff. "I want to get out of this Motha Fucking place". When asked why he was in restraints Client stated. "I Broke motha fucking Nurses glasses" "the Bitch". Client given breakfast. Client much calmer after eating breakfast. Client taken out of restraints @ 9AM + placed in Seclusion for protection of others. Client to be checked q 15 min while in Seclusion. [illegible]
12-83	11 AM	PHCT	Refused 11AM Meds Lithium citrate 300 mgs [illegible]
12-83	1:30 P	M	Attempted to notify persons listed. Left information for J.C. Holder, Detective. Will return call. Unable to get in touch c relatives listed. Will continue to try make contact. B. Gardner, PhD
12-83	2:45	M	Contacted J.C. Holder who will contact Ms. Peebles. B. Gardner, PhD.
12-83	2:45	PHCT	Client discharge to DDH Security Officer. Co transfer to Wake Co Jail. States he was glad to be leaving since he was been held here against his will. "I said as hell to be leaving here" "I will start laughing when I see that judge". [illegible] PHCT I

WHEN RE USED OR CONSULTED, MUST BE SHOWN
AND/OR INTERPRETED BY A COMPETENT CLINICIAN.
REDISCLOSURE PROHIBITED BY LAW
WITHOUT CLIENT CONSENT

DOROTHEA DIX HOSPITAL
RALEIGH 27611

EXHIBIT
6
PENGAD 800-631-6989

DATE	TIME	CODE	PROGRESS NOTES
83	Con't	FHCT	startall over again. Hadn't been demanding and making facial gestures as much as before. Seems bubbly & lay down in chair most of time. Still doesn't bathe as regular as staff feels he should or change clothing. Can't to eat pork from diet. Attended Pt Group I
83	10→11:22	N	meeting Pt. about discharge & Kelly, Mr Bellamy, S. Gardner RN P. Barber, RN, S. Reuttin RN, and Randolph, RN Chandler & Reuttin RN
83	1:35 pm	MD	Case conference c̄ Ms Rowter, Ms Barbour, Ms Bror, Ms Randolph, Dr Tolley, & undersigned. Dr Tolley feels that we should not proceed c̄ discharge as there appears to be little prospect that Mr. Blackman could make a satisfactory adjustment outside the hospital. If Mr. Blackman should be discharged Dr Tolley feels that the following persons should be notified: Raleigh Police Dept, Dr Rossecker, Ms Peoples, girl friend in Research, & family. I informed Mr Blackman that he would not be discharged because we did not think he could get along outside. He was angry & threatening. B Collins RN

INFORMATION

DATE	TIME	CODE	PROGRESS NOTES
			Not II permission M.S. Jones, L.P. 5 fu complaints @ this time. [illegible]
/20/83	11:15 p	HCT	Ascriptin 2 tab PO @ 11p.m. for H.A. c̄ NO RESULTS REPORTED. [illegible]
/30/83	6:30 am	HCT	C/O headache, given Ascriptin 2 tab PO PRN at 6am for mild discomfort by per B. Hamilton, P.N., c̄ gain relief. [illegible]
-30-83	3:25 pm	Ind	Co-operative with staff, interacting well with others. Spend most of his time with female Pt. Appearance is good. Ate his lunch. [illegible]
/30/83	9:30 AM	Net	Has been interacting well c̄ others. Ate well. Spends a lot of time c̄ T. Sims on the Wd. C/O hearing voices. Given Haldol 10 mg. p.o. p.r.n. 7:30 pm. Permission Mrs. Phelps, L.N. Has been friendly & co-operative since taking Haldol. [illegible]
-31-83	5:30 AM	Net	Mr. Blackmon appears to have slept well. Denies no problem during night. [illegible]
/31/83	2:45 p.m.	HCT	Pt. has been cooperative and friendly, ate well @ lunch, was taken to the Raleigh Police station for questioning by two officers @ 1:17 p.m. Pt. remained off the unit @ this time. [illegible]

SENSITIVE INFORMATION
WHEN REQUESTED BY U.S. CONSULATE, THIS MAY BE SHOWN AND/OR INTERPRETED BY A COMPETENT CLINICIAN. REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT

DATE	TIME	CODE	PROGRESS NOTES
83	Cont.	N	Had bizarre hand gesturing @ me. He was offere + rec. a PRN of Haldol 10 mgm PO @ 12 45 pm per MR. Rayxor, NCTIII. He cont. to be intrusive of staff's intervention c̄ pts. He refused to go to bed during so that staff could intervene c̄ female pt. Sprill was called to assist c̄ female pt. + James Ornie to s/R area. Was noted to have his fists clinched, but staff talked c̄ him + he returned to male dorm. I compliments James on his ability to control his behavior + not intervene staff s/R of female pt. James went to bed shortly after this incident. [illegible]
-83	4:45	HS	Pt had good results from PRN given early part of the a.m. — R. [illegible]
83	7:15A	HS	[illegible]
5-83	10:15 pm	N	Weekly Note: Mr Blackman has been co-operat c̄ staff most of this week + mood has been pleasant. He does cont. to spend a lot of tim c̄ one of the female pts. and has to be reminde to not interfere c̄ her treatment. On 10-31-83 he left the hosp c̄ 2 detectives for questioning + to be in a line-up. Mr Blackman seemed very glad to see the detectives + related he had been spending time c̄ them + they were his friends. Later this week he asked me to call the detective + gave me their card -- to find out if he were (Cont)

NORTH CAROLINA DIVISION OF
MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, N. C.

SENSITIVE INFORMATION
WHEN REQUESTED BY CONSUMER, MUST BE SHOWN AND/OR INTERPRETED BY A COMPETENT CLINICIAN. REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT

35-42-95 BLACKMAN JAMES
PROT NMS VHM 10-28-83
08-14-53 WAKE

James Blackman

CODE:

- Activity Therapies
- Anesthesia Services
- Clinical Dietitians
- Chaplaincy
- Case Manager
- Dental Services
- Educational Services

MCT - Health Care Techs
MD - Physicians
N - Nursing Service
PE - Physician Extenders
PSYCH - Psychology
P.T. - Physical Therapy

Resp. T. - Respiratory Therapy
R.Ph. - Pharmacy Services
ST - Speech Therapy
SW - Social Work
TN - Team Notes
VR - Vocational Rehabilitation

DATE	TIME	CODE	PROGRESS NOTES
3-83	10:15 AM	N	(cont.) going to visit him that day. He related "I have business but it's private - I can't talk about it." Mr Blackman decided this week he wanted to look for a job & has been off grounds two days to look. He returned Thurs. saying he had an application to fill out. He eats & sleeps well & gets along well w/ the other pts. & staff. He keeps himself well groomed & had a shave & a haircut since last admission & says "This is the new James Blackman." & will cont. 1:1 & encouraging him to cont. good directed behavior & reinforce appropriate behavior. J Barbourich
3-83	6:30 p	N	Requested med for "nerves"! was given Haldol 10 mg po PRN agitation @ 6:30 p by S. Jones NCTI. Client had had a verbal exchange @ ~ 6:15 p w/ another ♂ client (D.A.) re: some pictures of some unicorns that DA had. Mr Blackman wanted to see the pictures saying "I see you found my toys."

SENSITIVE INFORMATION
WHEN ... PROVIDED BY A COMPETENT CLINICIAN, MUST BE SHOWN
REDISCLOSURE PROHIBITED BY LAW
WITHOUT CLIENT CONSENT

DATE	TIME	CODE	PROGRESS NOTES
			He has gone off grounds several times this week to seek employment & returns by 5 p.m. He is compliant c̄ meds & co-operative c̄ treatment team. He attends leisure activities & reportedly does well. He eats & sleeps well & keeps himself well groomed - does not wear turban like head wrap. He seems psychiatrically stable & denies illness. I will cont. L.I. & give positive reinforcement for self control & encourage patience in seeking employment. He was started on 5m Haldol Decanoate this week. Jabaloun RN
[illegible]-83	7 20 PM	HCT	Descriptor for 2 P.O. PRN given @ 6:30 P.M. for headache c̄ good results. Given per permission of Ms. Lainey R.N.. [illegible] HCT
[illegible]-10-83	1 15 AM	HCT	has been up since shift change walking up & down carrying the little black bag - was asking staff if they were observing in & out of apts. Ms Lagle RN notified, gave Haldol 10mg at 1AM - McLaughlin
[illegible]-10-83	4 15 AM	HCT	Mr Blackman had very good results from prn medication at this time. D Lambert HCT
[illegible]-10-83	12:40 p.m.	HCT	Weekly Note: Pt. continues to go off grounds c̄ time to look for a job. has not caused any real problems this week, eats and is reported to be sleeping well. Pt's behavior is much the same as last week. Larry Montogno LPN-Tech

NORTH CAROLINA DIVISION OF
MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES

11 17

DOH-103-CRSEE

Dorothea Dix Hospital
Raleigh, N. C.

38-42 YO BLACKMAN JAMES
PROT NMS THN 10-28-83
08-14-53 WAKE

James Blackman

CODE:

Activity Therapies
Anesthesia Services
Clinical Dietitians
Chaplaincy
Case Manager
Dental Services
Educational Services
HCT - Health Care Techs
MD - Physicians
N - Nursing Service
PE - Physician Extenders
PSYCH - Psychology
P.T. - Physical Therapy
Resp. T. - Respiratory Therapy
R.Ph. - Pharmacy Services
ST - Speech Therapy
SW - Social Work
TN - Team Note
VR - Vocational Rehabilitation

DATE	TIME	CODE	PROGRESS NOTES
1-18-83	2:20 PM	N	(cont.) to find a job here in Raleigh have been unsuccessful. The S.W. has assisted pt in applying for an appeal for SSI disability Plan - DC in AM. J Baldwin RN
1-18-83	4 AM	HCT	Client up at shift change asked tech for PRN to help him settle down. Mr. Harris gave permission. 50 Vistaril 10mg PO. for agitation at 12:15 Am and he went to bed still asleep at this time - M Raynor HCT II
1-18-83	1:30 p.m.	HCT	Discharge Note: Pt. was discharged & rec'd to Lumberton & Raleigh police. Larry Montgomery

SENSITIVE INFORMATION
WHEN REQUESTED BY CONSUMER, MUST BE SHOWN AND/OR INTERPRETED BY A COMPETENT CLINICIAN.
REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT.

Form No. DMH 4-20-82 (B)

PROGRESS NOTES

WHEN ... SHARED WITH CLINICIAN
REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT

DATE	TIME	CODE	PROGRESS NOTES
			+ Sprinkle building alerted. At 10:15 Am Mr Blackman was taken out of S+R + did agree to co-operate with staff for a Shower & getting ready for discharge at 12N. JBartlauken
12/1/83	11:20 am	MD	Given events of the past 24hrs I interviewed Mr. Blackman this am about 9:45 am while in seclusion restraints, where he had remained since yesterday. At time of the interview pt. appeared in control, lucid + rational in conversation, and admitted to his threatening remarks of last evening. He denies, however, that these were meant literally, but instead, that the threats were made while he was angered. He denies (currently) intent to hurt anyone. Pt was let out of S/R around 10:15 am. As a follow-up I spoke c one of the two Raleigh Detectives (Monday) who has been closely following pt outside pending legal charges. Det. Monday related unofficially that Mr Blackman is likely to be arrested @ D/C, or at the very least, under constant surveillance. Release plans - as per orders. Appt at MHC next Monday 12/12/83 JMMcGuire M.D.

SENSITIVE INFORMATION

DATE	TIME	CODE	PROGRESS NOTES (WHEN REQUESTED BY CONSUMER, MUST BE SHOWN AND/OR INTERPRETED BY A COMPETENT CLINICIAN. REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT)
83		MD	As indicated above, pt's continuing threatening behavior again culminated in an assault. No psychotic basis for attack; pt related being angry with nurse for insisting that he address her with a minimum of respect. Denies hallucinations. Speech well organized. Cont angry & threatening. Treatment plan extended to include 24h seclusion & restraint of this very dangerous man.
			We have successfully treated the symptoms of his presenting acute psychosis. Mr. Blackmon, even thus treated, remains an angry, violent person at this point because of his character, not because of psychosis. His threats specify members of this staff. Mr. Blackmon, as a voluntary pt, no longer will cooperate with further treatment and is thus discharged. Treatment of acute psy

T. Carlson MD

SUPPLEMENTARY REPORT

1. COMPLAINT NO. 553471

2. OFFENSE: Homicide		3. CLASSIFICATION	4. DATE/TIME OF THIS REPORT: 8/24/83
5. VICTIM (LAST, FIRST, MIDDLE): Peyton, Helena		6. ADDRESS: Latham Hall, St. Augustine College, City	Page 1 of

...LITY CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.

...VABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT	
...NATED BY INVESTIGATION	9. DEVELOPED BY INVESTIGATION

EXHIBIT 8 PEDRO BOOKS 1-9-88

SYNOPSIS:

This report will reveal details of an interview conducted by myself and Detective J. C. Holder with Barbara Ann Richburg, a librarian at the Newcombe Road Library in Biltmore Hills. Investigation revealed that James Blackman exposed himself indecently to Barbara Ann Richburg sometime during the week of January 17 through January 21, 1983. This report also will reveal Blackman's whereabouts when the Patricia Ann Bridges homicide occurred.

INVESTIGATIVE NOTES:

On 8/24/83 Detective J. C. Holder and myself went to the library on Newcombe Rd. and interviewed Barbara Ann Richburg, a librarian there. It was learned from Barbara Richburg that sometime during the week of January 17 through January 21, 1983 that James Blackman came to the library there on Newcombe Rd. and exposed his penis to her several times. Mrs. Richburg stated she had seen Blackman on three or four occasions prior to that incident. She stated prior to that occasion, he would just come into the library and read the paper, and on occasions had talked about being from New York. Mrs. Richburg stated she knew Blackman was staying with Erma Williams who lived nearby the library on Old Garner Road. Mrs. Richburg stated she didn't remember the date exactly when this incident happened, but it was the week that Blackman was picked up by the police on Friday and involuntarily committed to Dorothea Dix hospital.

A record check with Dorothea Dix hospital revealed that Blackman was involuntarily committed on January 21, 1983, by Yvette Peebles.

January 21, 1983 was on a Friday, and Barbara Richburg stated the indecent exposure incident occurred sometime that week prior to him being picked up by the police on Friday. On the day of the incident, Barbara Richburg stated that Blackman had been in the library most of the morning reading and occasionally talking to her. Ms. Richburg stated that she was sitting at her desk and Blackman came up to her desk, and when she looked up, he was exposing his penis to her. She stated his pants were unzipped, and his penis was exposed, and he did have an erection. Ms. Richburg stated that Blackman looked and talked normal as if nothing was occuring unusual. She stated she made no verbal comment to her assistant who was sitting close by, but she did write a note to her assistant and pass it to her about what was going on. Ms. Richburg stated that she had been a librarian at the Olivia Raney Library before and she had had similar incidents occur there. She stated she kept her composure and made no outward appearance of

...ING OFFICER	NO.	DIV.	STATUS UNFOUNDED PENDING INACTIVE	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR SERVICE CLEAR
...ISOR APPROVING				REMAINING FOR INVESTIGATION

RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT

1. COMPLAINT NO. 553471

OFFENSE	3. CLASSIFICATION	4. DATE/TIME OF THIS REPORT	Page 2 of
Homicide		8/24/83	

NAME (LAST, FIRST, MIDDLE)	6. ADDRESS
Peyton, Helena.	Latham Hall, St. Augustine College, City

VERACITY: A-TRACEABLE PROPERTY C-WITNESS E-NAMED SUSPECT G-DESCRIBED SUSPECT I-VEHICLE I.D.
OTHER CODES: B-PHYSICAL EVIDENCE D-M.O. F-LOCATED SUSPECT H-IDENTIFIED SUSPECT

SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT

ELIMINATED BY INVESTIGATION | 9. DEVELOPED BY INVESTIGATION

surprise or discomfort. She stated she walked to the magazine rack on the other side of the room and Blackman followed her there and back to her desk with his penis exposed. She stated that he actually laid his penis on her desk as he stood there. Ms. Richburg stated she didn't believe her assistant ever saw him expose himself to her. She stated when her assistant spoke to Blackman when this was going on, he would turn sideways so he would not be exposed to her. When the assistan began to talk to Blackman, he pulled his penis back into his pants, yet did not zip up his pants at first. Sometime later Blackman went to the back room in the library where the restrooms were. He stayed a short while and called for Mrs. Richburg to come there. Ms. Richburg stated she walked to the door where he was without going into the room he was in, and Blackman stated there was no tissue paper in the restroom. Ms. Richburg stated she told Blackman where the tissue paper was stored and told him to help himself. Ms. Richburg stated she felt like Blackman was trying to get her into the restroom. She stated she later checked and found plenty of tissue paper in the restroom, as she expected. After this occurrence, more people began to come into the library, and Blackman left.

The next day she came to work at 8:30 as usual, and the library opens daily at 10:00 a.m. Ms. Richburg stated Blackman was there knocking on the door soon after she got to work, asking her to let him in, but she refused. She stated that Blackman finally left before opening time. Ms. Richburg stated she decided not to call the police but did call the residence Blackman was staying, to make everyone there aware of what had happened, because she knew the girl Blackman was staying with had teenage daughters, and she felt the mother should be concerned about their welfare. Mrs. Richburg said she has never seen Blackman since that time. She stated that the following Friday she heard that Blackman had been arrested by the police and later heard that he was in Dorothea Dix hospital.

Blackman was looked at as a possible suspect in the Bridges homicide case number 823338 and the Alston homicide, case number 855137. A check with Central Prison revealed Blackman was in Central Prison from June 18, 1981, through June 14, 1982. The Bridges homicide occurred on March 19, 1982, while Blackman was at Central Prison.

Thus far, we are unable to determine Blackman's location when the Alston homicide occurred, which was November 29, 1982.

000141

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

RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT

1. COMPLAINT NO. 558471

OFFENSE: Homicide		3. CLASSIFICATION	4. DATE/TIME OF THIS REPORT: 8/24/83
VICTIM (LAST, FIRST, MIDDLE): Peyton, Helena		6. ADDRESS: Latham Hall, St. Augustine College, City	Page 3 of

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

8. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT

7. ELIMINATED BY INVESTIGATION

9. DEVELOPED BY INVESTIGATION

The next record or period of time we have on Blackman is when he was involuntarily committed to Dorothea Dix Hospital January 21, 1983.

A. C. Munday
Investigative Division
Career Criminal Unit

dd/ii

In the conversation with Barbara Richburg, she did state that on occasions in the past she remembered Blackman wearing a Dashiki and a head band.

A C Munday

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

000142

SUPPLEMENTARY REPORT

COMPLAINT NO.	2. OFFENSE	3. CLASSIFICATION	4. DATE/TIME OF THIS REPORT	
558471	Homicide		7/26/82 1315	Page 1 of
VICTIM (LAST, FIRST, MIDDLE)		6. ADDRESS		
Peyton, Helena		Rm. 603 Latham Hall, Raleigh, NC.		

VALUABILITY CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.

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

SYNOPSIS:

The following will be an interview conducted by Detectives A. C. Munday and J. C. Holder. The interview was conducted at St. Augustine's College. The persons interviewed were Dr. Wiley M. Davis, Administrative Assistant of St. Augustine's College and Chief Adams, head of security of St. Augustine's College. The date of the interview is July 22, 1982, time 1500 hours.

INVESTIGATIVE NOTES:

Detective J. C. Holder and myself went to St. Augustine's College and talked with Dr. Davis, Administrative Assistant of St. Augustine's and Chief Adams, head of security in an attempt to update them on the Peyton investigation and to ascertain any additional facts that either may possess. In talking with Dr. Davis, he related an incident that happened on the campus of St. Augustine's College sometimes prior to the Peyton assault. The incident involved two St. Augustine's College male students and one female student. The incident involved a sexual assault on the female student by the two male students. Because the complainant refused to prosecute, no case report or official investigation was conducted. Dr. Davis felt that because there was some use of marihuana on all three's part, the complainant after talking with her parents decided not to pursue the investigation.

Dr. Davis and Chief Adams felt that the psychic's composite looked like one of the male students involved in this case, his name is Clemmon Woodard. Woodard also had a car that closely fitted the description that the psychic described. The other male student's name is John Salvage. Salvage and Woodard were roommates living off campus at the time of the assault. Woodard had grey Buick Riviera with damage on it, which also coincides with what the psychic said the suspect's vehicle looked like.

Dr. Davis further related that a rumor came to him that the college's nurse, Vertabell S. Lee knew who stabbed Helena Peyton. Vertabell Lee no longer works at St. Augustine's College. Dr. Davis has an address listed as 1309 Armstrong Circle, Raleigh, NC. He advised that he had heard that she maybe employed with Dorothea Dix Hospital. Her personal file listed her telephone number as 828-0850.

Another source related to Detective Holder and myself by Dr. Davis was Hugh Mangum, who is a former security guard at St. Augustine's College in the earlier 60's, told Dr. Davis that a woman security officer at Shaw University knew who stabbed Helena Peyton. He stated that the

REPORTING OFFICER	NO.	DIV.	STATUS		REMAINING FO
			UNFOUNDED	ARREST-ADULT	
SUPERVISOR APPROVING			PENDING	ARREST-JUV.	
			INACTIVE	EXCEPT. CLEAR	
				SERVICE CLEAR	

NCIIC – RPD File

PENGAD 800-631-6989

EXHIBIT 14

SUPPLEMENTARY REPORT

COMPLAINT NO.	2. OFFENSE	3. CLASSIFICATION	4. DATE/TIME OF THIS REPORT	
558471	Homicide		7/26/82 1315	Page 2 of
VICTIM (LAST, FIRST, MIDDLE)		6. ADDRESS		
Peyton, Helena		Rm. 603 Latham Hall, Raleigh, NC.		

VALUABILITY CODES: A-TRACEABLE PROPERTY, B-PHYSICAL EVIDENCE, C-WITNESS, D-M.O., E-NAMED SUSPECT, F-LOCATED SUSPECT, G-DESCRIBED SUSPECT, H-IDENTIFIED SUSPECT, I-VEHICLE I.D.

VALUABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT

ELIMINATED BY INVESTIGATION	9. DEVELOPED BY INVESTIGATION

security guard had the perpetrator's name over her desk because he attacked a girl at Shaw University last year. Hughmangum further indicated to Dr. Davis that this student had transferred from St. Augustine's College to Shaw University. Dr. Davis advised that he thought that Hughmangum was employed with the state government as a janitor, possibly with the Department of Health.

Dr. Davis suggested that Detective Holder and myself talk with Mrs. Latter, the dorm mother at Latham Hall and Mrs. White, the director of student life at St. Augustine's College. Dr. Davis suggested that Mrs. Latter and Mrs. White should know Sarah Collins and Alfredo Hussey reputation while attending Shaw University.

A. C. Munday
Major Crimes Task Force
Investigative Division

gg/m2

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

000202

STANDARD PROCEDURE

CITY OF RALEIGH, N. C.	MANUAL: POLICE			
SUBJECT: POLICE REPORTS APPLIES TO ALL SWORN OFFICERS AND HUMANE OFFICERS	NUMBER: 1104-5	REV: 3	EFFECTIVE DATE: 1-25-80	PAGE 1 OF 5
	SUPERSEDES: 1104-5 Rev. 1	PREPARED BY: F.K. Heineman, Chief of Police	APPROVED BY: L.P. Zachary, City Manager	

1.0 POLICE REPORTS

1.1 It will be the responsibility of every Raleigh Police Officer to submit the appropriate Police Report on any police call or action he takes, regardless of whether the officer is on or off duty. The following procedures must be followed on all police reports:

1.1.1 All reports will be as complete as possible and turned in at the end of each officer's tour of duty. Any reports that are incomplete and need further information will be held in the officer's platoon file in Records until the officer can complete the report.

1.1.2 All reports must be written with a black ball point pen (no felt tips) or typewritten (sharp black ribbon).

1.1.3 All reports containing errors will be returned to the officer's immediate supervisor and are to be corrected and returned to the Records Section within 48 hours or they will be sent to the Division Commander. If the officer is on the midnight shift, he is still required to correct the errors and return the report to Records within this time period. (If the officer is off on the day that the report is sent to him, it will be due the first day he is back on duty.)

1.1.4 The first line supervisor will read and initial all reports. He should initial the reports in the bottom left hand corner of the page. The supervisors initials verify that the report is correct.

1.1.5 The Supervisor of the Records Section will have the responsibility of updating reports as needed. An example of this would be a report that was classified as an aggravated assault in which the victim died at a later date. The Records Supervisor, upon receiving information that a report should be updated or changed, will verify this information and notify the officer who took the report that it is being changed. The report will then be amended by drawing a line through the part to be changed and making the correction. A notation of the reason for the change will be the report and signed.

EXHIBIT 15

PENGAD 800-631-6989

1.1.6 Wreck reports that are not dark enough for the Department of Motor Vehicles to microfilm will be sent back to the officer's immediate supervisor to have the officer redo. The 48-hour time limitations, as stated above, still apply. These reports must be sent to the Department of Motor Vehicles from the Records Section within ten days of the accident.

1.1.7 It shall be the responsibility of the immediate supervisory officer to see that all reports are correct, complete, and expeditiously transmitted to the next authority.

1.1.8 Do not code an "A" (report filed) on 10-80's (chases), 603's (house checks), and juvenile or referrals. If you do not do a case report or a wreck report, it should not be coded "A" on the complaint card.

2.0 REPORTS AND AUTO THEFTS

2.1 There has been some difficulty caused by stolen vehicle reports being made when the vehicle had actually been towed to a garage as a result of a traffic violation and some owners might not have had to pay extra storage <u>if the officer had checked the storage reports before taking the stolen vehicle report.</u> It is necessary to follow the procedures set forth below:

2.1.1 When investigating an abandoned vehicle, the officer will make a diligent effort to identify and notify the owner that the vehicle will be towed according to the City Ordinance.

2.1.2 The officer must then take the serial number from the car and put it on the report. Use only the serial number on the car (do not use the registration card or run a check through PIN).

2.1.3 The officer will check on all vehicles he tows to see if the vehicle is stolen or if there is an insurance stop or any other violation. It will be the officer's responsibility to follow-up on a violation and take the appropriate action.

2.1.4 <u>Whenever a vehicle is towed, the officer is required to immediately file a storage report at the Police Desk.</u>

2.1.5 When investigating a complaint from a citizen that his vehicle has been stolen, the officer will contact the Police Desk before filing a report to make certain that Department has not had the vehicle towed.

2.1.6 The supervisor will ascertain that the officer has made a storage report check when checking over the stolen vehicle report.

2.1.7 After receiving the stolen vehicle report, the investigator assigned the report will also check the storage reports as soon as possible.

2.1.8 When the stolen vehicle report comes into the Records Section, the personnel there will also check the storage reports.

2.1.9 All officers will make every attempt to notify the owner when a vehicle has been stored as a result of towing.

3.0 CLASSIFICATION OF CASE REPORTS FOR UNIFORM CRIME REPORT

The UCR classification guide which is contained in the Reports Manual (pages-23&23a, 24-29, 30a-c) is to be used in classifying all offenses which require a report. Part I offenses must be classified according to this guide.

4.0 MISCELLANEOUS

4.1 Recovered property and the value of the property should be listed in the first line of the body of the case report or the supplement, making it possible for the keypunch operators to keypunch the recovered property and the value of the recovered property without having to search for and read the report. This should also be done on auto theft reports.

4.2 The initial action for Hit and Run wrecks is to turn in a wreck report and a supplement if needed. Other supplements should be submitted as required. No case report is necessary, as the accident report serves this function.

4.3 When writing wreck and other reports and the location of occurrence is not known, put the location where the report is taken. If the time and date are not known, put the last time the complainant knew that the offense had not happened and put an A for "after" in front of the time. The report should be amended if the correct location, time, and/or date are later ascertained.

4.4 On accident reports, list an actual dollar value for the amount of damage, not just the word "totaled". List the name and address of persons injured on accident reports.

4.5 Booking slips should be filled out as completely as possible. If the person arrested is not committed to jail, put the date arrested in the date committed box. On drug charges, enter the type of drug and state whether the charge was possession or sale (in the block for charges.) The officer's platoon and squad number must be on the report and the sex, race, and date of birth of the person arrested on booking slips and citations. Citations used for criminal violations, such as shoplifting, should have the location of the arrest on the citation.

4.6 When citizens call in from out of town or send letters to the Department needing reports taken, they will be referred to the Detective Platoon, between 7:00 A.M. and 11:00 P.M. for the report to be taken over the telephone. From 11:00 P.M. to 7:00 A.M., they will be referred to the Information Desk for the report to be taken over the telephone. Any letter sent to the Department needing reports taken will be referred to the Investigative Division.

4.7 Estimate of Damage - Arson: Uniform Crime Reporting guidelines require an estimate of damage in each arson case investigated by this department. Thus, it is necessary that an estimate of monetary value be given to all damage in arson cases. This estimate should be recorded on the case report under "Property Damage". No arson report is complete without this estimate.

5.0 RELEASE OF POLICE REPORTS

5.1 There has been a constant problem arising from reports being released to unauthorized persons. Information on reports may only be released to the public as listed below:

5.1.1 Only information from the top-half of the case report (no supplemental or investigative reports) or,

5.1.2 Wreck reports (with the exception of supplemental and investigative reports) may be released.

5.2 Any exception to the above must be approved by the Chief of Police, Division Commanders, District Attorney, Police Attorney, or by a Captain in the absence of the aforegoing persons. An officer will be subject to disciplinary action including dismissal, for the unauthorized release of any police reports or documents.

5.3 This, of course, is not to prohibit the release of a full report to the District Attorney's office or any other police agency for official use. The report will be stamped accordingly.

6.0 DESCRIPTION SHEET ON SUSPECTS

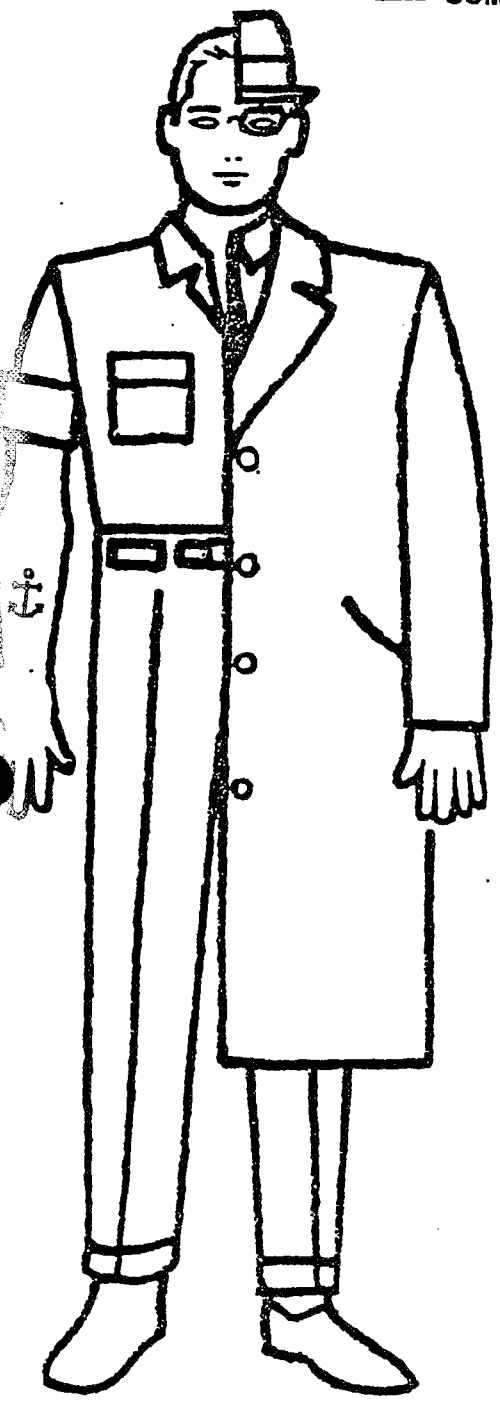
Officers will fill out a description sheet on suspects or persons arrested on the following crimes: murder, rape, armed robbery, kidnapping, and serious assaults. The description sheet used by this Department is attached to the procedure. This sheet should be filled out completely by the officer who took the original case report on the offense.

DESCRIPTION SHEET

☐ MURDER ☐ ARMED ROBBERY ☐ RAPE

☐ KIDNAPPING ☐ SERIOUS ASSAULT

— COMPLETE THE FOLLOWING —



DESCRIPTION OF SUSPECT: If more than one person involved, please complete a separate description sheet for each.

SEX	RACE OR NATIONALITY		APPROXIMATE AGE
HEIGHT Ft. In.	WEIGHT Lbs.	BUILD	POSTURE
COMPLEXION	MUSTACHE ☐ YES ☐ NO		TYPE MUSTACHE
COLOR HAIR	TYPE HAIR (WAVY, STRAIGHT, BALDING)		
SCARS OR OTHER IDENTIFYING MARKS			
DESCRIBE MASK OR OTHER DISGUISE			
☐ RIGHT HANDED ☐ LEFT HANDED		CALLED BY NAME (IF SO, WHAT)	
DID HE SEEM TO BE THE LEADER			

CLOTHING: Describe each article as accurately and as detailed as possible.

TYPE GLOVES	
HAT OR CAP — TYPE AND COLOR	
SUIT — COLOR, TYPE, AND CONDITION	
SPORT COAT — COLOR AND TYPE	
PANTS — COLOR AND CONDITION	
SHIRT — COLOR AND TYPE	
TIE — COLOR AND TYPE	
WORK CLOTHES — COLOR, TYPE, SOILED OR CLEAN	
COAT, RAINCOAT, JACKET — TYPE AND COLOR	SHOES — COLOR, TYPE, CONDITION
ARTICLES OF CLOTHING NOTICED	

(OVER)

SPEECH: Was his speech coarse or refined? Was his speech high or low? Was there an accent or drawl? Was there a speech impediment such as a lisp or a stutter?

MANNER: Did he seem under the influence of alcohol or drugs? Was he nervous? Was he polite or gruff?

MISCELLANEOUS:

WAS HE ARMED? IF SO, WITH WHAT?

☐ RIFLE ☐ SHOT GUN ☐ PISTOL ☐ OTHER (Explain)

WAS HE CARRYING ANYTHING WITH HIM WHEN HE ENTERED THE BUILDING? WHAT?

WHAT DID HE TOUCH?

WHAT EXACTLY DID HE DO?

THE MOTOR VEHICLE

LICENSE NO. AND STATE	YEAR	MAKE OF VEHICLE	COLOR	MODEL (SEDAN, WAGON, ETC.)

WAS THERE ANYTHING THAT YOU NOTICED THAT WOULD HELP IDENTIFY THE VEHICLE	HOW MANY PEOPLE WERE IN THE VEHICLE

WHAT DIRECTION DID THEY TRAVEL

ANY DETAILS NOT MENTIONED ABOVE

Your Name _____ Telephone No. _____

Address _____

WHEN REQUESTED BY CONSUMER AND/OR INTERPRETED BY A COMPETENT CLINICIAN. REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT INFORMATION

	TIME	CODE	PROGRESS NOTES
83	Cont.	N	Had bizarre hand gesturing @ me. He was offered + rec. a PRN of Haldol 10mg PO @ 12:45 pm per MR. Rayson, NCTIII. He cont. to be intrusive of staff's intervention c̄ pts. He refused to go to Bradley wing so that staff could intervene c̄ female pt. Sprwill was called to assist c̄ female pt. + James came to s/R area. Was "hotti" to have his fists clinched, but staff talked c̄ him + he returned to male dorm. I complimented James on his ability to control his behavior + not intervene c̄ staff s/R of female pt. James went to bed shortly after this incident. [illegible]
83	4:45	HST	Pt had good results from PRN given early part of the a.m. — R. Tyson HT
83	7:15A	HT	2 assignments. I headache at 7A. [illegible]
83	10:15 pm	N	Weekly note: Mr Blackman has been co-operative c̄ staff most of this week + mood has been pleasant. He does cont. to spend a lot of time c̄ one of the female pts. and has to be reminded to not interfere c̄ Pyr treatment. On 10-31-83 he left the hosp c̄ 2 detectives for questioning + to be in a line-up. Mr Blackman seemed very glad to see the detectives + related he had been spending time c̄ them + they were his friends. Later this week he asked me to call the detectives + gave me their card -- to find out if he were (Cont)

PENGAD 800-631-6989 EXHIBIT 18

NORTH CAROLINA DIVISION OF
MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, N. C.

SENSITIVE INFORMATION
WHEN REQUEST BY CONSUMER, MUST BE SHOWN AND/OR INTERPRETED BY A COMPETENT CLINICIAN. REDISCLOSURE PROHIBITED BY LAW WITHOUT CLIENT CONSENT

3E-42-9o BLACKMAN JAMES
PROT NMS VHM 10-28-83
06-14-53 WAKE

CODE:

Activity Therapies	HCT - Health Care Techs	Resp. T. - Respiratory Therapy
Anesthesia Services	MD - Physicians	R.Ph. - Pharmacy Services
Clinical Dietitians	N - Nursing Service	ST - Speech Therapy
Chaplaincy	PE - Physician Extenders	SW - Social Work
Case Manager	PSYCH - Psychology	TN - Team Note
Dental Services	P.T. - Physical Therapy	VR - Vocational Rehabilitation
Educational Services		

James Blackman

	TIME	CODE	PROGRESS NOTES
3	10:15 AM	N	(cont.) going to visit him that day. He related "I have business but its private - I can't talk about it." Mr Blackman decided this week he wanted to look for a job & has been off grounds two days to look. He returned Thurs. saying he had an application to fill out. He eats & sleeps well & gets along well w/ the other pts. & staff. He keeps himself well groomed & had a shave & a haircut since last admission & says "This is the New James Blackman." I will cont. 1:1 & encourage him to cont. goal directed behavior & reinforce appropriate behavior. J Barbourek
3	6:30 p	N	Requested med for "nerves"! was given Haldol 10 mg po PRN agitation @ 6:30 p by S. Jones HCTI. Client had had a verbal exchange @ ~ 6:45 p w/ another ♂ client (D.A.) re: some pictures of some unicorns that DA had. Mr Blackman wanted to see the pictures saying "I see you found my Love."

PROGRESS NOTES

Handout 50

SAINT AUGUSTINE'S UNIVERSITY PROHIBITS THE POSSESSION OF CONCEALED WEAPONS ON ALL UNIVERSITY PROPERTY
STOP
Identification Must Be Viewed UponEntry

SAINT AUGUSTINE'S UNIVERSITY PROHIBITS THE POSSESSION OF CONCEALED WEAPONS ON ALL UNIVERSITY PROPERTY
STOP
Identification Must Be Viewed UponEntry

RESERVED PARKING
10

ANY TIME

NO PARKING
ANY TIME
SAINT AUGUSTINE'S UNIVERSITY
WESTON
RESIDENCE HALL

pepsi
pepsi
pepsi
Fresh Choices
GATORADE

EXIT
SAINT AUGUSTINE'S COLLEGE

STAIRWAY B
ROOF
ACCESS

STAIRWAY B
ROOF
ACCESS
FIRE

DANGER
HIGH VOLTAGE
AUTHORIZED
PERSONNEL ONLY
FIRE

FIRE
6B

FIRE

FIRE

602
601
FIRE

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FIRE

FIRE

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603

FIRE

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☆1

SAINT AUGUSTINE'S COLLEGE

SAINT AUGUSTINE'S COLLEGE

SAINT AUGUSTINE'S UNIVERSITY
BAKER
RESIDENCE HALL

NO
PARKING
*ANY
TIME

ONE WAY
CHESTERE BUILDING

NO
LOITERING

Handout 51

Doctor outlines role for health officials

By SHERRY JOHNSON
Staff Writer

North Carolina's public health officials should leave patient care to private physicians and concentrate on cleaning up the environment instead, the president of the N.C. Medical Society said Friday.

"The air gets heavier, the water gets thicker and even the ground, the rabbits and the doves are contaminated with PCB, while an inefficient bureaucracy allows it to stay where it is," Dr. J. Benjamin Warren of New Bern said.

Warren was addressing a kickoff luncheon at the Raleigh Woman's Club for Public Health Week.

His remark about PCB referred to the fact that the toxic chemical has been lying on state roadsides since it was illegally dumped more than a year ago. Efforts to remove it and bury it in rural dumps have resulted in lawsuits.

Dr. Sarah T. Morrow, state human resources secretary, agreed that a hazardous waste disposal plan should be a priority of public health leaders.

"We certainly have to come up with a system of handling our hazardous and toxic wastes," she said in an interview at the luncheon.

In his speech, Warren said the public health sector was encroaching on the private sector and that friction between the two groups would persist unless the focus of public health is altered.

"What started out as a place to go and get free shots for babies has now become, in many areas, a complete pediatric service," Warren said.

There is evidence of "poor patterns of health practice" in some state public health clinics, he said.

Dr. Morrow responded in the interview, "We certainly don't want to see the government take over all aspects of health care — and that's certainly not the intent of me or Hugh Tilson (state health director)."

She said the cooperation of county medical societies was sought before any state-funded medical care programs were implemented.

Dr. J.B. Warren
... medical leader

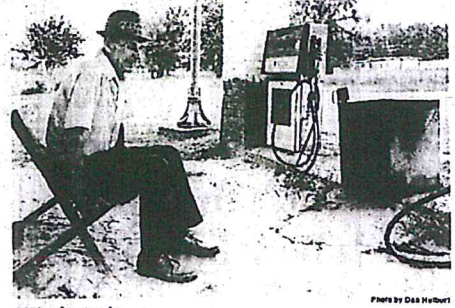


Photo by Dan Holbert

Resting up

Thomas W. Perdue, who has been operating his Exxon station near New Hope on N.C. 98 for 15 years, takes advantage of the recent cool breezes to sit under the canopy at the station and relax.

Lawyers request MacDonald's release

From Staff Reports

RICHMOND — Lawyers for Dr. Jeffrey R. MacDonald asked a federal appeals court Friday to authorize MacDonald's release on bail while he appeals his triple murder conviction in the 1970 deaths of his wife and daughters at Fort Bragg.

Wade M. Smith of Raleigh filed a motion asking the 4th U.S. Circuit Court of Appeals to overrule U.S. District Judge Franklin T. Dupree Jr. Dupree, who last month refused to release the former Green Beret pending appeal.

Assistant U.S. Attorney James L. Blackburn, the chief prosecutor of MacDonald, said his office and the U.S. Justice Department would oppose the motion for bail.

The appeals court had taken no action on the request late Friday.

The appeals court's ruling on MacDonald's release is regarded by some persons in the case as a likely indicator of whether the court will reverse MacDonald's conviction in his family's slayings.

The major thrust of MacDonald's appeal is that he was denied his constitutional right to a speedy trial by undue delay in prosecuting the case. The slayings occurred Feb. 17, 1970. Charges were brought against him by the military and then dropped. He was not indicted by a civilian grand jury in Raleigh until January 1975. Pretrial motions and appeals delayed the trial until this summer.

During pretrial maneuvers in the case, the circuit court ordered that the charges against MacDonald be thrown out because, two of the three judges on the panel said, inaction by the U.S. Department of Justice had denied his speedy trial right.

However, the U.S. Supreme Court reinstated the case, saying that MacDonald could not raise a speedy trial challenge until after his trial. He must show prejudice, and that would be impossible until the case was tried, the court said.

Dupree said when he denied MacDonald's bail that, contrary to being harmed by the delay, MacDonald had been helped.

The nine-year interval between the crime and the trial, and the accompanying publicity, brought forward witnesses that were unknown to MacDonald's defense in 1970, Dupree said. Besides, forensic experts were able to use techniques that had been developed during the nine years to produce a more sophisticated analysis of physical evidence, he said.

MacDonald, 36, was convicted Aug. 30 and sentenced by Dupree to three consecutive life terms in prison in the slayings of Colette MacDonald, 26, and her daughters Kimberly, 5, and Kristen, 2.

Pending appeal, he is being held at Terminal Island federal prison, a medium security institution in Long Beach, Calif. MacDonald was assigned there at his request. He moved to California after he was cleared of murder charges by the Army in 1970.

Until his trial, he was head of emergency services at a large inner-city hospital in Long Beach.

Stabbing tightens college security

Students strolled casually through the lobby of Latham Hall at St. Augustine's College Friday afternoon.

"We're all right now," said Brenda Wright, 20, a senior from Virginia.

But a sign on the dorm's entrance, "Please lock: your door, front door," stood as a reminder of a Sept. 28 stabbing that has troubled students and parents.

The sign was part of a new security program announced by college officials following the stabbing of Helena Peyton in a sixth-floor bathroom at Latham Hall, where 195 women students live.

Miss Peyton, 23, remained unconscious and in critical condition in Wake Medical Center's intensive care unit Friday, a hospital spokesman said.

To curtail the spread of unsubstantiated rumors, administrators have encouraged students and college employees not to talk to reporters about the stabbing and security measures. More than a dozen people approached by a reporter Friday declined to talk.

But Thursday, according to Leon S. White, dean of student affairs, about 150 students gathered outside the student union to express their concern about the stabbing. Some chanted and carried signs urging stronger security measures.

White said the new measures would focus on foot patrols and keeping unauthorized visitors out of the four women's dorms. Miss Peyton was reportedly stabbed by a man hiding in the bathroom.

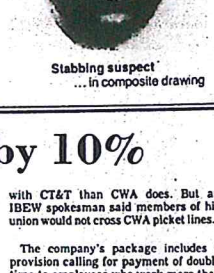
Two patrolmen were added to the school's security force of 12 officers soon after the stabbing, White said, and plans call for the hiring of more officers within a week.

The officers, who will patrol on foot, have been directed to check for people "in unusual areas at unusual times," he said.

In addition, White said male student volunteers have been posted in the women's dormitory lobbies to check each visitor for identification. Self-locking dormitory doors will be installed, he said. All students have been warned to lock doors behind them.

Also, a composite drawing of Miss Peyton's assailant, drawn by police from students' descriptions, has been posted in several locations on campus.

Raleigh police detectives had made no arrests in the case Friday. Gov. James B. Hunt Jr. has offered a $5,000 reward for information leading to the arrest and conviction of the assailant.



Stabbing suspect
... in composite drawing

State briefs

Hunch leads to 2 arrests

From Staff and Wire Reports

GOLDSBORO — An alert highway patrolman acting on a hunch was partly responsible Friday for the arrests of two men who were charged with robbing a Goldsboro bank earlier in the day.

The men were arrested following the robbery of the Hillcrest Branch of First-Citizens Bank and Trust Co. by an armed man who wore a gray wig and mustache and a gray pin stripe suit. The gunman fled in a white car.

Officers said Jack Earl Best and Thomas Earl Randolph were arrested near Fayetteville after Trooper Larry Harrington noticed a light-colored wig lying on U.S. 13 in Cumberland County and linked it with a white car he had passed on the highway.

Harrington called for assistance and caught up with the vehicle in Cumberland County.

The amount of money taken in the robbery was not disclosed, but a Highway Patrol spokesman said a large amount of money was found in the car. The patrol said two handguns and two bulletproof vests also were found in the car.

Ferry schedule changes

OCRACOKE — Routine repairs on the Cedar Island-Ocracoke Ferry will cause several minor schedule changes until regular service is resumed Tuesday, the state Transportation Department has announced.

Only light traffic will be allowed on the ferry until 4 p.m. Sunday. The 7 a.m. Monday departure from Cedar Island will be limited to nothing larger than pickup trucks, with no campers allowed.

There will be no 7 a.m. Monday departure from Ocracoke. Regular departures at 10 a.m., 1 p.m. and 4 p.m. from both sides will be canceled Monday.

Traffic death investigated

GASTON — The Highway Patrol was investigating the death of a Northampton County man found lying on N.C. 46 late Thursday after he apparently was thrown from a car, troopers said Friday.

Trooper A.M. Beale said David Lee, 19, of Garysburg, was found about 11:15 p.m. Thursday. He was taken to Halifax Memorial Hospital in Roanoke Rapids, where he later died of head injuries.

Halifax County Medical Examiner Salter Cochran said Lee died of injuries as the result of being thrown from a moving car. Investigators would release no further details.

Struck company increases salaries by 10%

From Staff and Wire Reports

TARBORO — Officials of Carolina Telephone and Telegraph Co. said Friday that the company had implemented the basic provisions of a pay package rejected earlier by officials of the Communications Workers of America, including a 10 percent pay raise.

H.D. Terry, a spokesman for CT&T, said the increased pay and benefits would be paid effective Oct. 1 to workers who had remained on the job since a walkout that began last week.

Terry said there had been no negotiations for a new three-year contract with the union since last Sunday and that he knew of no further talks being scheduled.

He said the increases were "simply a recognition of the fact it has been a year since the bargaining unit (the workers covered by the CWA) received a wage increase or benefit changes.

"The contract had expired and the company made an offer in good faith. The fact some of them (the workers) chose not to take it did not deter the company from going ahead and providing it to workers who are still working and would like to have it," Terry said.

The pay package announced by CT&T President J.C. Cluen includes a 10 percent across-the-board raise for an estimated 3,100 workers covered by the CWA bargaining unit, Terry said.

About 1,600 to 2,000 of those workers walked off their jobs Sunday when their previous contract expired, he said. CT&T provides telephone service to 50 counties in Eastern North Carolina.

(The News and Observer incorrectly reported Friday that members of the International Brotherhood of Electrical Workers, who are employed in CT&T's offices in Southern Pines, Siler City, Fuquay-Varina and Pinehurst, elected not to strike.

The IBEW workers are not on strike because they have a different contract with CT&T than CWA does. But an IBEW spokesman said members of his union would not cross CWA picket lines.)

The company's package includes a provision calling for payment of double time to employees who work more than 60 hours a week, in addition to time-and-a-half for more than 40 hours.

Other benefits that were increased include higher company payments of medical and life insurance premiums, an increase in mileage payments for employees who use their own cars and increased daily travel allotments.

Terry acknowledged that the package was similar to one rejected by the union.

Woman says man robbed husband, raped her

Special to The News and Observer

RICHMOND, Va. — The wife of a slain Raleigh, N.C., musician testified Friday that a 20-year-old Durham man robbed her husband at gunpoint and raped her.

Fighting back tears, Ada M. Owens, 27, testified for 34 minutes in the murder trial of Jeremiah Carr of Durham.

"If you so much as move a muscle I'll kill you," Mrs. Owens said Carr told her husband, Ernest Frederick Owens, before Carr raped her.

Owens was robbed and killed March 4 at a Holiday Inn in Richmond.

Testimony in the trial was completed Friday and the jury is scheduled to begin deliberation today after closing arguments.

During Mrs. Owens's testimony, some jurors had tears in their eyes, and she had to pause several times.

Mrs. Owens said Carr forced her husband and a friend, Christopher Tennant, to lie on the floor shortly before he raped her.

Both Mrs. Owens and Tennant testified that after the rape, a struggle between the men began and that Owens was shot three times. Tennant was also wounded. Carr then fled, Tennant and Mrs. Owens said.

Mrs. Owens, her husband and Tennant were members of Bill Deal and The Rondels, a rock band. Another member identified Carr as the person he saw leaving the motel room.

A psychiatrist and a psychologist at Central State Hospital in Petersburg testified it was their opinion Carr was not insane and was not intoxicated during the incident.

They said they based their opinions on interviews with the victims and on a tape-recorded statement Carr gave detectives shortly after his arrest.

Carr, who has pleaded not guilty to some of the charges and not guilty by reason of insanity to other charges against him, admitted in the statement to many of the events surrounding the slaying, rape and robbery.

In the statement, Carr said he had taken LSD and had drunk wine. On this basis, a defense-employed psychiatrist testified there was a "high probability" Carr was intoxicated.

The psychiatrist testified that based on a two-hour interview with Carr in September, he believed the defendant was not mentally competent to stand trial.

Carr, who did not testify, sat motionless during the testimony.

3 hurt as chase ends in collision

FUQUAY-VARINA — Three persons were hospitalized Friday night following a high-speed chase that ended in a multi-car collison.

Sgt. J.B. Potter of the Fuquay-Varina Police Department said the accident occurred after a 1964 Buick being chased by a Highway Patrol trooper ran a stoplight in Fuquay-Varina.

Potter said two of those hospitalized, including a passenger in the car being chased, were taken to Wake Medical Center in Raleigh. Another person was admitted to Southern Wake Hospital in Fuquay-Varina. The conditions and the names of the three persons could not be determined late Friday night.

The name of the driver

Strickland chased the vehicle for several miles on U.S. 401 in Harnett and Wake counties before the car entered Fuquay-Varina.

After running a stoplight at the corner of Main and Ennis streets, the car struck a 1979 Corvette, veered off, hit a 1979 Toyota head-on and knocked the Toyota into a 1976 Chevrolet, Potter said.

Potter said trooper Strickland told him charges would be brought against the driver in Harnett County. Strickland could not be contacted late Friday night.

Potter said additional charges probably would be filed against the driver by the Fuquay-Varina Police Department.

He estimated that the

Pistol stolen

Jack Edward Hilliard of Route 2, Knightdale, reported a pistol valued at $85 stolen from a car parked at 1433 S. Wilmington St. Thursday, Raleigh police reported Friday.

In other cases being investigated:

Amalgamated Promotions Inc. of 3402 Hills-

Senator to ask recruiting probe

From News Dispatches

WASHINGTON — The chairman of the Senate Armed Services Committee will call for a Senate investigation of the growing Army recruiting scandal as soon as the committee can clear up three other issues, a congressional aide said Friday.

Also Friday, a Charlotte newspaper reported that one of two Army recruits who died during basic maximum enlistment weight for his height and age.

John Stirk, an aide to U.S. Sen. Robert B. Morgan, D-N.C., said Morgan met in a "lengthy session" with Sen. John C. Stennis, D-Miss., Thursday about the recruitment problem. Also attending the meeting was Sen. Strom Thurmond, R-S.C., Stirk said.

probe into alleged recruitment malpractice.

Stirk said Morgan and Thurmond briefed Stennis on the affair and the Mississippi senator then met with Sgt. 1st Class Marshall B. Jackson, a Charlotte recruiter who appeared for arraignment in the case before a Fort Bragg judge Friday.

After the meeting, Stennis re-

Trooper wounded

LAURENS, S.C. (AP) — A South Carolina highway patrolman was shot Friday night after he stopped a pickup truck for a routine check on a rural road near Laurens.

Patrolman John Smart was shot in the groin, back and hand, authorities said.

LEGAL NOTICE

"NOTICE IS HEREBY GIVEN that Summerset, Inc., a North Carolina corporation, has started its dissolving and liquidate, and in that connection has filed Articles of Dissolution in the office of the Secretary of the State of North Carolina on the 20th day of August, 1979. BY THE BOARD OF DIRECTORS".

N&O: Sept. 22, 29; Oct. 6, 13, 1979.

ALL PERSONS having claims against Bessie Banks Marable, deceased, late of Wake County, N.C., are notified to exhibit the same to the undersigned on or before March 22, 1980, or this notice will be pleaded in bar of recovery. This 22nd day of September, 1979. George Lison, Jr., Administrator, P.O. Box 1106, Raleigh, N.C. 27602.

N&O: Sept. 22, 29; Oct. 6, 13, 1979.

ALL PERSONS having claims against Linn Johnson, deceased, late of Wake County, N.C., are notified to exhibit the same to the undersigned on or before March 29, 1980, or this notice will be pleaded in bar of recovery. This 29th day of September, 1979. Otis Wall, Executor, 508 Peyton St., Raleigh, NC 27610.

N&O: Sept. 29, Oct. 6, 13, 20, 1979.

NOTICE OF HEARING

Notice is hereby given that the Secretary of the Department of Administration, pursuant to the authority vested in him by G.S. 143-341, 143B-370 and Chapter-150A of the General Statutes of North Carolina, proposes to adopt or readopt regulations of the Department of Administration now filed with the Attorney General and codified as Chapter 22 of Title 1 of the Fourth Carolina Administrative Code; to adopt new regulations within this chapter; and to modify or repeal regulations within this chapter. The rules, as adopted and/or repealed, will be effective January 1, 1980. The subjects to be addressed at the hearing include state grants for waste water treatment works, waste water collection systems and water supply systems, and more specifically, general provisions, grants, review of applications, disapproval of priorities, and awards.

Any person interested in any of these subjects may send written comments to the Secretary of Administration at the address below prior to and including the date of the hearing. Written comments will be accepted until five days after the date of the hearing. Copies of proposed regulations may be obtained from the Office of the Secretary at the address indicated below prior to the date of the hearing: Secretary Joseph W. Grimsley, Department of Administration, 116 W. Jones Street, Raleigh, NC 27611. Attention: Jane Smith Patterson, Deputy Secretary.

Written and oral presentations will be received at the hearing which will be held on October 22, 1979 from 9:30 am until 12:30 pm. Persons wishing to make an oral presentation at a prescribed time should file a written request with the Office of the Secretary at least five days prior to the hearing. Any such notice should contain a brief statement of comments and an indication of the length of time individual intends to speak. Presentation time may be limited to five minutes. For further information, please contact Jane Patterson at 1-919-733-7232.

The hearing will be October 22 in the Governor's Press Conference Room, Department of Administration, 116 W. Jones Street, Raleigh, NC 27611.

October 22, 1979

Joseph W. Grimsley
Secretary
Department of Administration

N&O: Oct. 6, 1979

LEGAL NOTICE

PUBLIC NOTIC

On September 26, 19 Banc, Plaintiff and C filed an application wit ural Communications C construction per new Class C FM station on Channel 209 at Colu The station will serve owner of 100 km, with a antenna mounted on a on US Highway 64, North Carolina, and a height of 299 feet. The o members and holders o more of the stock of Flanagan, and Cross. James F. Flanagan, Thomas C. Cross, Jr., a H. Cross. Copy of the a is on file for public in the Town Hall on Brid Columbus, North Carol regular business hours.

N&O: Oct. 3,4,9,10, 1979

ADVERTISEMENT FOR BIDS

Sealed proposals received until 3:00 P.M. October 23, 1979, in A.M.E. Church, 900 H Raleigh, North Carol construction of New A.M.E. Church, at whi place bids will be o read.

Complete plans and ifications for this project Island from W. Edwa AIA, Architect, 3109 C ket Street, P.O. Box 20 boro, North Carolina. mal office hours afte 25, 1979.

The owner reserves ified right to reject any posals.

N&O: Oct. 6, 7, 1979

INVITATIONS F

October 16, 1

In accordance with Public Laws of 1931, bids will be rece P.M., October 16, 197 at Purchase and Raleigh, N.C., for h lowing:

Insulated Trays
Cameras
Study Carrels
Auditorium Chairs
Wire Shelving
Modem
Dental Equip.
Drafting Tables
Ammunition
Combine
Fire unit
Microscope Parts
Stereo Microscope
BJE System
Disp. Syringe/Needles
Dialysis Products
Bid Plant Mix
Metal Lockers
Sulvra Freezers
Portable Vtr
Fruits, Dehydrate
Fruit Jellies
Chicks, Live
Guage Dressing
KSR Formula
Microfiche Cabinet
Broadcast Audio
Physiograph
Emergency Air P
Biohazard Cabinet
Planer, Wood
Specifications, b
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be secured by addre

Dept. of
Purchase An
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116 W
Ral

N&O: Oct. 6, 1979.

NORTH CAROLINA
DEPARTMENT OF T

NOTICE OF AV
OF THE PUBLIC HEAR
ON THE PRIORITY PRIM
BENSON TO W

Project X-3

The transcript of the public hearings
for public review in the following locatio

1. Benson Town
Benson, NC
2. Newton Grove
Newton Grove
3. Faison Town
Faison, NC
4. Wallace Town
Wallace, NC
5. NC Departme
District Office
Burgaw, N.C.
6. NC Departme
Division Offic
Wilmington,

If any additional information is d
Garrett, Jr., P.E. Public Hearing Offic
Division of Highways, P.O. Box 252
919-733-3244.

DIVISION OF HIGHWAYS

NORTH CAROLINA
DEPARTMENT OF T

NOTICE OF A PU
ON THE PROPOSED RELO
OF THE PRIORITY PRIMARY HIGHW

Project X-3

The above public hearing pertains
SR 1113 and SR 1908 in Duplin Count
of US 117 between Warsaw and Mag
other portions of the project. The rem
presented at the public hearing with
on some roads crossing the project.

The public hearing will be held on
Cafeteria of the James Kenan High
Warsaw on NC 24-50.

The proposed relocation is appro
crossing of US 117 as presented at t
the proposed relocation is available
Warsaw Town Hall, Warsaw, NC.

If additional information concerning
W. A. Garrett, Jr., P. E., Public Hea
O. Box 25201, Raleigh, NC 27611 or

The News and Observer

Telephone 821-1234 | 52 Pages Today | Raleigh, N.C., Friday, October 26, 1979 | 114th Year • Daily 15c, Sunday 50c

Brain death turns stabbing into murder

By ROSALIND REID and STEVE LEVIN
Staff Writers

Doctors have told the parents of a St. Augustine's College student who was stabbed in a dormitory bathroom that the woman's brain is dead although her heart continues to function, her father said Thursday.

Wake Medical Center officials in Raleigh would not confirm in interviews that a determination of brain death had been made, but Wake District Attorney J. Randolph Riley said Thursday he intended to charge Helena Peyton's suspected assailant, if found, with first-degree murder.

Miss Peyton, 23, has been unconscious and in critical condition in the hospital's intensive care unit since undergoing surgery Sept. 28, the day of the stabbing.

She has been in a coma, maintained by a life-support system, according to her mother, Daisy Peyton of Winterville.

Her father, Ben Peyton Jr., said in an interview: "(One of the doctors) did say her brain was dead. That's kind of rough. I have one thing to do: Have faith in God and pray. He's the only thing I can count on."

Riley said he had learned of Miss Peyton's brain death in conversations with hospital lawyers and it was those conversations that led him to a decision that the case would be treated as murder if it came to trial.

Dr. Jerry A. Stirman of Raleigh, the attending physician, and Dr. Thomas Powell of Raleigh, a resident physician at the hospital, said any statements would have to be cleared with hospital attorneys. Robert A. Melott, an attorney for the hospital, said he could not clear any statements with hospital administrators before today.

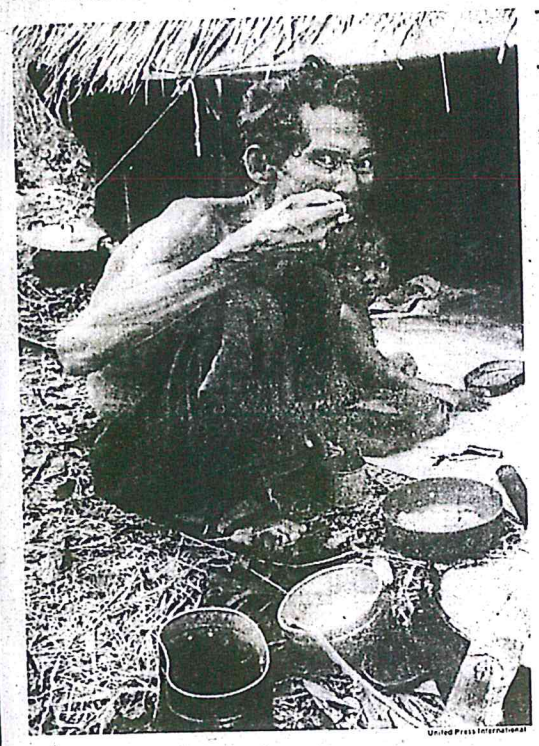
Under General Statute 90-323, passed in the last session of the Legislature as an amendment to a 1977 law, "Brain death, defined as irreversible cessation of total brain function, may be used as a sole basis for the determination that a person has died, particularly when brain death occurs in the presence of artificially maintained respiratory and circulatory functions.

"This specific recognition of brain death ... shall not preclude the use of other medically recognized criteria for determining whether and when a person had died."

Under the procedure used at Wake Medical Center for determining brain death, the patient is ex-

See POLICE, page 8

Helena Peyton
... stabbed in dorm



United Press International

Nourishment at last

An emaciated Cambodian refugee eats gruel in front of his makeshift tent at a temporary camp in Thailand, near the Thai-Cambodian border. Thai authorities are moving the refugees to safer locations deeper inside the country in the wake of fatal shellings from across the border, but a group of about 1,000 refused to relocate Thursday and returned to Cambodia. Story on page 12.

Fuel-aid proposal passed by House

WASHINGTON (UPI) — The House passed an emergency bill Thursday that would help as many as 16 million low-income U.S. households pay their winter heating bills.

The final vote was 290-105.

The legislation calls for a $1.35 billion program. It must be reconciled with a version the Senate passed appropriating $1.2 billion.

When President Carter announced the fuel-help plan earlier this fall, he said the average poor family would get $200 and the average poor person living alone $100.

Under a formula suggested by Rep. Robert Michel, R-Ill., the program would be weighted in favor of those in cold, northern states.

The Northeast-Midwest Congressional Coalition estimated 16 million U.S. households could be eligible for help because they fall below the bill's general eligibility trigger of 125 percent of the poverty level.

Related story, page 37

A coalition spokesman said under that trigger, the maximum income a family of four could have and still qualify would be a little more than $8,000. The spokesman said it was not possible yet to determine how much each family could expect to get.

The House bill would distribute the funds through various welfare programs. It also would allow states to take a portion of the money to pass around through their own plans, if those plans were approved by the U.S. Department of Health, Education and Welfare.

The funds would go to any poor family or individual whose heating bill rose substantially, whether for heating oil, electricity or natural gas. The program would end June 30.

A bitter floor debate was touched off when Rep. Robert Giamo, D-Conn., chairman of the Budget Committee, said the bill was another example of the federal government fueling inflation by taxing working people to do something that should be a state or local responsibility.

"They're (the poor) not going to freeze to death in the United States," Giaimo said, because the cities and states will not allow that to happen.

Rep. Parren Mitchell, a Baltimore Democrat, replied: "Some people froze to death in my district last year. You ask those three people who froze to death whether the cities met their responsibilities."

Rep. David Obey, D-Wis., said the federal government had allowed fuel prices to rise, so it should help the poor pay the soaring costs.

The legislation was pushed through the Appropriations Committee rapidly and immediately brought to the floor at the urging of Speaker Thomas P. "Tip"

See EMERGENCY, page 6

Punitive action posed as oil tax alternative

From News Dispatches

NEW BRUNSWICK, N.J. — President Carter said Thursday he might pursue proposals to punish the oil industry if Congress fails to produce a satisfactory "windfall profits" tax.

"I am absolutely determined not to fail," Carter said.

He also urged the nation's workers to save fuel by sharing rides.

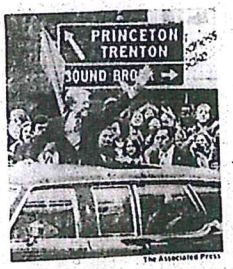
Speaking at an energy forum, Carter indicated he would not be satisfied with a weakened version of the windfall profits tax approved earlier Thursday by the Senate Finance Committee.

"I hope that on the floor of the Senate we can restore it," he said.

Carter's comments on the tax were echoed by New Jersey Gov. Brendan Byrne, who flew with the president from Washington for the energy forum in New Brunswick and a Democratic Party fund-raiser in East Rutherford, N.J.

Carter said earlier that third-quarter oil industry profit reports "vividly demonstrate the need for a major portion of unearned profits from the oil companies to go into the general service of the

See PUNITIVE, page 5A



The Associated Press

President Carter greets crowd
... in New Brunswick, N.J., Thursday

Nuclear blast a mystery; U.S. suspects S. Africa

New York Times News Service

WASHINGTON — The United States has detected signs that a possible low-yield nuclear explosion took place in the South Atlantic, near South Africa, last month and is trying to learn if South Africa has secretly joined the list of nations that have detonated atomic devices.

Congressional sources were briefed by administration officials Thursday on the development, which could have international consequences if South Africa has indeed spurned warnings by the United States and the Soviet Union not to explode a nuclear device.

While the evidence was not conclusive, members of Congress were led to believe by the administration that South Africa had conducted the explosion.

Rep. Stephen J. Solarz, D-N.Y., chairman of the African subcommittee of the House Foreign Affairs Committee, said he had been informed by a high-ranking State Department official Thursday afternoon that U.S. instruments had "picked up evidence that South Africa had detonated a nuclear device."

ABC television said Thursday that the Carter administration was informed of the test within hours of its detonation and had secretly alerted key allies and congressmen about the development, United Press International reported.

See S. AFRICA, page 6

Inside today

- Weather: Sunny with highs in the low 60s. Details, page 2.
- Soviets plan to ship Moscow children out of town during Olympics. Page 10.
- Texaco and Atlantic Richfield accused of overcharges of almost $200 million. Page 11.
- FHA and VA home loan interest rates climb again. Page 36.
- Carter administration seeks withdrawal of old-generation nuclear weapons now deployed in Western Europe. Page 40.

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Chrysler pact gives union seat on board

DETROIT (UPI) — The United Auto Workers and financially ailing Chrysler Corp. reached a tentative contract agreement Thursday giving the union a spot on the firm's board of directors in exchange for $203 million in economic concessions.

In announcing the agreement — the first in more than 40 years to digress from the industry pattern — UAW President Douglas A. Fraser said he would be nominated for a seat on the Chrysler board. The accord was reached during a 23 hour bargaining session.

Fraser

Fraser said Chrysler President Lee A. Iacocca would make the nomination at the stockholders' meeting in May 1980.

"I sincerely believe that the voice of the worker will be heard in the highest echelons of the Chrysler Corporation," Fraser said in announcing the historic pact.

"If the workers are going to have a voice in their own destiny, they should be represented when these crucial decisions are made."

Chrysler negotiator William O'Brien said the UAW's concessions "will aid considerably in providing Chrysler Corporation with the necessary cash flow to permit the company to return to profitability in the North American automobile market during the length of this new three-year agreement."

Asked his feelings about having Fraser on the board, O'Brien said, "We're delighted."

Fraser said he saw no conflict of interest in assuming a place on the Chrysler board.

"I'm going to represent the autoworkers on that board, and I'm going to speak out on their behalf," he said.

See UNION, page 8B

Leader declines to predict outcome

Byrd gives SALT his backing

WASHINGTON (UPI) — Senate Democratic leader Robert C. Byrd announced Thursday he supports the SALT II treaty with the addition of "certain provisions" that would not involve reopening negotiations with the Soviets.

Byrd declined to predict the final outcome, but he said he favored bringing the treaty to a Senate vote "and let the chips fall where they may."

"My present inclination is to go with the treaty, win or lose, because some senators have indicated to me they won't reach a decision until the final roll-call vote," he said, predicting it would come

treaty was "in the national interest." He minimized the fuss over Soviet troops in Cuba, saying, "The stakes in SALT II are much higher and far more vital to our national security than this peripheral and unrelated issue."

Byrd said, "I believe that the treaty should be approved by the Senate with the adoption of certain provisions to be included in the resolution of ratification," such as an understanding that assures U.S. technological cooperation with NATO countries.

But he warned: "While I support certain amendments to the resolution of ratification, I will oppose

Under the Dome

Official joins Hunt campaign

Charles A. Clay has resigned as public information officer for the state Employment Security Commission to take a job in Gov. James B. Hunt Jr.'s re-election campaign.

Clay will join the campaign Nov. 2 as a staff researcher.

"He's going to help with issues and press," said Betty R. McCain, co-chairman of the Jim Hunt Committee.

Clay, 53, is a former editor of the Fayetteville Observer and former reporter and editorial writer for The News and Observer. He left Fayetteville to take the state job last year.

Clay also is a close friend of Bert L. Bennett Jr. of Winston-Salem, who is a top political adviser to Hunt. Bennett recruited Clay in 1964 to work in the unsuccess-

See DOME, page 8A

26 OCT 26

Police say stabbing now a murder case

Continued from page one

amined by a panel of two neurologists and two neurosurgeons not connected with a case. The determination is requested by the attending physician.

If brain death is confirmed, the law says, life-support systems may be disconnected at the request of a spouse, guardian or a majority of immediate relatives.

Ben and Daisy Peyton haven't given up hope that Helena will recover.

"With God, anything is possible. All we're doing is praying," Mrs. Peyton said in a telephone interview Thursday from the hospital, where she has been a daily visitor since the stabbing.

"As long as her heart is beating, we'll leave her on the respirator," Mrs. Peyton said. "The doctors told me they would leave her on the respirator and treat her for everything they could."

Riley said Miss Peyton's would be the first murder case involving brain death in Wake County since the law was passed in 1977. Riley said he didn't know whether there had been similar cases elsewhere in the state.

Riley said no death certificate would be filed unless the life-support system is disconnected. He said he would file a murder charge if a suspect is brought to trial, even if the life-support system is still operating.

Miss Peyton was stabbed in the neck by a man who hid in the sixth-floor bathroom of her dormitory, Latham Hall, early on the morning of Sept. 28.

Ben Peyton, who loads trucks at Eastern Lumber and Supply Co. in Winterville, visits the hospital each weekend with Helena's 17-year-old sister, Gwendolyn Vanessa.

Mrs. Peyton, who is staying with relatives in Raleigh, calls Raleigh police weekly to see whether they have made progress in the case.

Sketch of suspect
... now a murder case

Police Detective Donald C. Brinson said Thursday that although dozens of tips had been checked out, no definite suspect had been identified.

Brinson has been working on the case full-time since the stabbing, with part-time assistance from two other investigators. Each day, he said, he gets a phone tip or a call to meet someone claiming to have information about the case.

Police have issued a composite sketch drawn from descriptions provided by students who saw the assailant flee the dorm. Anyone with information on the case may call police at 755-6420.

Security at the school was tightened after the stabbing, and college officials have asked students and employees not to discuss the incident with reporters.

Gov. James B. Hunt Jr. has offered a $5,000 reward for information leading to the arrest and conviction of the assailant.

Family members and friends described Helena as a popular, hard-working student.

"She really got along with her peers, with the teachers, with everyone," recalled M.W. Rountree, assistant principal of D.H. Conley High School in Greenville. "She was a pretty ideal student."

Before her high school graduation in 1976, Rountree said, Helena was active in the school chorus, Future Homemakers of America and the school's prize-winning ROTC drill team.

Members of the drill team have raised about $70 toward the family's expenses, Rountree said. St. Augustine's students and faculty also have donated food and money, according to Mrs. Peyton. She said she did not know the total cost of treating her daughter.

At St. Augustine's, Helena majored in early childhood education, hoping to teach elementary school, and was to graduate this spring. She worked at the college library and durg the summer returned to Winterville to work in the tobacco fields.

The second of six children, she was the second to attend college. Her older sister graduated recently from N.C. A&T State University and a younger sister is a sophomore there.

A Blue Cross-Blue Shield policy has covered hospital costs so far, Mrs. Peyton said, and relatives and neighbors in Winterville have offered support and prayers.

"We have faith," Gwendolyn said. "We're hoping and praying that she'll get better."

Woman dies of injuries

LOUISBURG — An automobile accident Saturday in southern Franklin County claimed its second victim Wednesday, a spokesman for Franklin Memorial Hospital in Louisburg said Thursday.

Geraldine Fose Dean, 37, died Wednesday from injuries she received in a two-car accident. Her son-in-law, Timothy Hinnant, 25, died in the crash. Both lived on Route 2, Zebulon, according to State Highway Patrol Trooper Earl Hardy.

Hardy said the driver of the other car, Henry Moore of Knightdale, was treated at the hospital and released Saturday after the accident. Mrs. Dean's daughter, Lisa Ann Hinnant, was released from the hospital Wednesday.

Miss Lillian surprised at gay fund-raiser

BEVERLY HILLS, Calif. (UPI) — Lillian Carter showed up for a homosexual group's fund-raising party Thursday, and appeared surprised when she discovered where she was.

The president's mother, emerging from a limousine at the function sponsored by the Los Angeles Gay Community Services Center, was asked by reporters whether she was embarrassed.

"No, of course not," the president's mother replied. "Of what?"

At attending a function to raise money for homosexuals, several reporters replied.

"No, not at all," she answered.

Then, appearing startled, she asked, "Is that what it is?"

Mrs. Carter attended the dinner while campaigning in California for her son.

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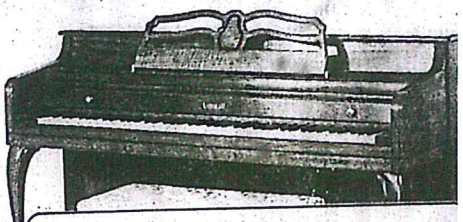

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Deaths and Funerals

JAMES EDWARDS
Funeral for James Edwards, 69, formerly of Raleigh, who died Tuesday, 1 p.m. today, Haywood Funeral Home chapel. Burial, Mount Hope Cemetery.
Surviving: sisters, Mrs. Mildred Arnold and Ms. Margaret Edwards, both of Philadelphia, Pa., Mrs. Marion Garrells of New York, Mrs. Christine Bean and Ms. Dorothy Edwards, both of Raleigh; brother, John Edwards of Raleigh.

LEONARD W. SPEIGHT
Funeral for Leonard W. Speight, 63, of Route 4, retired Dorothea Dix Hospital security officer, who died Friday. 1 p.m. Monday, Mitchell Funeral Home chapel. Burial, Montlawn Memorial Park, with masonic rites.
Surviving: widow, Mrs. Marijoe N. Speight; sons, Bobby Speight of Greenville, William C. Kennedy of Copenhagen, Denmark; brothers, Ronald of Garner, W.L., Cam, Alvis Speight, all of Raleigh; three grandchildren.

J. MARLIN ROBINSON
Funeral for James Marlin Robinson, 70, of 919 Elm St., retired Colonial Stores employee, who died Thursday. 3 p.m. today, Brown-Wynne Funeral Home, St. Mary's Street. Emtombment, Oakwood Mausoleum.

LEROY MELTON
Leroy Melton, 49, of 417 Branch St., died Wednesday. Funeral 3 p.m. Sunday, Rocky Chapel Baptist Church, Franklin County. Burial, church cemetery.
Surviving: widow, Mrs. Fannie Melton; sons, Bernard and Leroy Melton Jr. of the home, daughter, Miss Carolyn Leonard of Spring Hope; father, Willie Arrington of Spring Hope; sisters, Mrs. Zulene Thorne of Spring Hope, Misses Mary, Hattie and Bernice Arrington, and Miss Lillie Batchelor, all of Newark, N.J.; brothers, James, Bob and Ollie, all of Spring Hope, Wesley, Douglas and Willie Clee Arrington, all of Newark, N.J.
Family at William Toney's Funeral Home, Spring Hope, 7-8 p.m. today.

EULA C. GOODWIN
APEX — Funeral for Mrs. Eula Carr Goodwin, 75, of Route 1, New Hill, who died Thursday, 2 p.m. today, New Elam Christian Church, Chatham County. Burial, church cemetery.
Surviving: widower, David L. Goodwin; sons, David A. of Pittsboro, Gerald B. Goodwin of Raleigh; daughters, Mrs. Marjorie Tutor of Raleigh, Mrs. Vivian Ellis of Route 1, Moncure, Mrs. Willie M. Goodwin of Moncure; sisters, Mrs Henry Ellis of Sanford, Mrs Etheleen Rowell of Garysburg; brother, Edward Carr of Moncure; 10 grandchildren, 11 great-grandchildren.
Arrangements by Apex Funeral Home.

EVANNAH TILLMAN
APEX — Mrs. Evannah Broyal Tillman, 64, of Route 3, Durham died Friday. Funeral 2 p.m. Sunday, Apex Funeral Home chapel. Burial, Good Hope Baptist Church cemetery, Carpenter.
Surviving, widower, Kister Jack Tillman; daughters, Mrs. Sallie McCoy of Durham, Mrs. Mary Ann King of Cary, Mrs. Frances Pendergraph of Route 1, Morrisville; sister, Mrs. Noami Page of High Point; nine grandchildren.
Family at funeral home, 7-9 p.m. today.

ROSWELL ADAMS
ANGIER — Roswell Adams, 64, died Friday.

ROBERT L. SHEARON
SPRING HOPE — Robert Lee Shearon, 59, died Thursday. Funeral 2 p.m. today, Hunt-Murray Funeral Home chapel. Burial, Highland Memorial Gardens, Louisburg.
Surviving: widow, Mrs. Dorthy G. Shearon; sons, Ray L. and Robert Nelson, both of Louisburg, Steve L. of Knightdale,

ETHEL J. MICHAELSON KNIGHTDALE
Graveside services for Mrs. Ethel Jetta Michaelson, 40, who died Thursday, 2 p.m. today, Raleigh Memorial Park.
Arrangements by L. Harold Poole Funeral Service.

RUBY KIMREY
BURLINGTON — Mrs. Ruby Collins Oliver Kimrey, 60, died Thursday. Funeral 3 p.m. today, McClure Funeral Home chapel. Burial, Alamance Memorial Park.
Surviving: widower, Lonnie H. Kimrey; son, Dr. William C. Oliver of Rock Hill, S.C.; daughter, Mrs. Shelby Janice Boggs of Burlington; sisters, Mrs. Omega Crawford of Burlington, Mrs. Irene Norris and Mrs. Lula Strickland, both of Selma, Mrs. Flonnie Halstead of Goldsboro; brother, William Collins of Selma; half brothers, Charlie, Wayne, Ira and Quincy Collins, all of Burlington; half sister, Mrs. Brenda Sykes of Burlington; six grandchildren

RALPH L. PARKER
FOUR OAKS — Ralph L. Parker, 72, of Route 1, Smithfield, died Thursday. Funeral 2 p.m. today, Hopewell Free Will Baptist Church. Burial, Four Oaks Cemetery.
Surviving: widow, Mrs. Pearl Stephenson Parker; daughter, Mrs. Cleo P. Austin of Four Oaks; sons, R. Sherwood and David "Butch" Parker, both of Four Oaks; sister, Mrs. Arelia Barnes of Route 3, Four Oaks; brother, Joseph B. Parker of Route 1, Smithfield; six grandchildren; four great-grandchildren.
Arrangements by Minshew Funeral Home.

IRENE P. WATKINS
DREWRY — Mrs. Irene P. Watkins, 73, died Thursday. Funeral 2 p.m. today, Young Memorial Presbyterian Church. Burial, New Hope Cemetery.
Surviving: widower, Charles F. Watkins; son, Charles F. Watkins Jr. of Raleigh; daughter, Mrs. Julia W. Currin of Middleburg; brother, Carlton Paschall of Burgaw; sister, Mrs. Hal Connell of Warrenton, four grandchildren.
Arrangements by Flowers Funeral Home, Henderson.

ROSY LEE F. WOOTEN
KINSTON — Mrs. Rosy Lee Fordham Wooten, 76, died Friday. Funeral 2:30 p.m Sunday, Edwards Funeral Home chapel. Burial, Williams family cemetery.
Surviving: daughters, Mrs. Saul Moore and Mrs. Robert Noble, both of Kinston, Mrs. Frank Raynor of Four Oaks; sisters, Mrs. John Croom of Kinston, Mrs. Henry Williams of Vanceboro; brother, Calvin Fordham of Wilmington; five grandchildren.
Family at funeral home, 7-9 p.m. today

E.W. CLAYTON
ROXBORO — Funeral for E.W. "Billy" Clayton, 49, will be 2 p.m. today, Surl Primitive Baptist Church. Burial, church cemetery.
Surviving: brothers, Perry of Route 1, Timberlake, Sterling of Route 3, Roxboro.
Arrangements by Brooks & White Funeral Home.

Other deaths

LUTHER F. TYNDALL, 69, Pink Hill.
ROBERT T. CAISON, 71, Currie
JACK S. BELL, 63, Kinston.
STANLEY KOLACZ, 57, Washington, N.C.
DOROTHY E. IGOE, 73, Faison.
EARNEST J. JONES, 60, Washington, N.C.
JOSEPH E. TURNER Jr., 48, Route 2, Trenton.
ESTELLE F. HARPER, 74, Deep Run.
SONJA R. WINDLEY, 2, Chocowinity.
CLIFTON G. SUGGS, 71, Kinston.
SHELTON PHILLIPS, 55, Goldsboro.
FRANCES D. BOEP-

Officer dies

British Field Marshal Gerald Templer, who led the campaign to crush communism in Malaya in the 1950s, died Thursday at his London home Templer 81, died after a short illness.

Sniper in barn keeps lawmen at bay 2 hours

FOUR OAKS — Firing intermittently from a barn loft, a man armed with a shotgun held about 50 law enforcement officers at bay for nearly two hours Friday night, Johnston County sheriff's deputies said.

No injuries were reported in the incident, which ended quietly about 8:15 p.m., when a neighbor convinced Bruce Wayne Lee, 30, of Four Oaks, to surrender.

Lee was being held in lieu of $15,000 bond Friday night in Johnston County Jail, charged with five counts of assaulting a law enforcement officer with a firearm.

Deputy Lee Smith said Lee started firing a .410-gauge shotgun at 6:21 p.m., when deputies drove up to his house to answer a call about a domestic argument.

"He was upset, more than likely," Smith said

The deputies called for help, and were joined on the scene by other sheriff's personnel, state Highway Patrol troopers and local police

While most of the officers remained pinned to the ground, deputies said, several people tried to talk Lee into giving up. He did not hold any hostages, but fired intermittently.

Deputies said they did not know why Lee started firing. "I really don't believe he ever intended to hurt anybody," Deputy Tracy Bullard said.

B.C. HERRING
GOLDSBORO — Benjamin C. "Gump" Herring, 66, died Friday. Funeral 2 p.m. Monday, Seymour Funeral Home chapel. Burial, Willow Dale Cemetery.
Surviving: widow, Mrs. Mildred Lynch Herring; sons, Benjamin Jack of Goldsboro, Phillip Andrew Herring of Jacksonville, Fla.; daughters, Mrs. Jasper Ray Downer of Goldsboro, Mrs. James Neil Burress and Mrs. Timothy R. Jones, both of Jacksonville, Fla.; brother, Harold Matthew Herring of Goldsboro; sisters, Mrs. George B. Herring of Goldsboro, Mrs. Marjorie Mozinge of Smithfield; 19 grandchildren; three great-grandchildren.
Family at funeral home, 7-9 p.m. Sunday.

KATHRYNE H. MURRAY
GREENSBORO — Mrs. Kathryne Honeycutt Murray, 57, died Thursday. Funeral 2 p.m. Sunday, Starmount Presbyterian Church. Burial, Green Hill Cemetery.
Surviving: widower, Walter R. Murray, daughter, Mrs. Kathy M. Dixon of Greensboro, stepdaughter, Mrs. Diana M. Roach of Knoxville, Tenn.; sister, Mrs. Virginia Jeffreys of Raleigh, brothers, Manly and Jack, both of Raleigh, Albert of Leesburg, Fla., James Honeycutt of Richmond, Va.
Arrangements by Hanes Funeral Home.

JAMES B. GASKINS
KINSTON — James Bryant Gaskins, 71, died Thursday. Graveside services 3 p.m. Sunday, Westview Cemetery.
Surviving: daughters, Mrs. Charles J. Donohoe Jr. of Little Silver, N.J., Mrs. Robert J. Laurence of Fredricks, Md., Miss

Charges in brain death case may chart new legal ground

By BRUCE SICELOFF
Staff Writer

If murder charges are filed in connection with the stabbing of a St. Augustine's College student, it may become only the second murder case ever in the United States involving a victim still on life-support systems.

The father of Helena Peyton, 23, of Wintersville has said doctors told him his daughter has suffered brain death, although her heart still continues to beat with the aid of machines at Wake Medical Center. A hospital spokesman said a formal determination on brain death had not been made.

"If God can make man from a lump of clay, he can restore my daughter," said Daisy Peyton, the victim's mother. She said her daughter would remain on a respirator "as long as her heart is beating."

But J. Randolph Riley, Wake County District Attorney, said Thursday he intended to file first-degree murder charges if police find a man suspected of stabbing Miss Peyton on Sept. 28 in a dormitory bathroom.

Legal and medical authorities said Friday they believed there was only one other case in which a murder charge was issued while the victim was being kept on life-support systems.

In 1978, a St. Paul, Minn., woman was charged with third-degree murder in connection with the beating death of her 4-year-old daughter. The girl had been declared "brain-dead" — the irreversible cessation of brain functions — three days earlier.

The prosecutor in the case, William B. Randall of St. Paul, Minn., said that he had filed murder charges as soon as he received a death certificate, three weeks before life-support systems were withdrawn.

"The bottom line was, is there a homicide?" said Randall, who is now in private practice.

Except for the Minnesota case, Randall said he believed there had never been a murder case filed in the United States while the victim's heart was being kept beating with the help of life-support systems.

The Minnesota case was not appealed to federal courts. A spokesman for the U.S. Supreme Court clerk's office said no such cases had been considered by the court.

Riley admitted making a determination of death during a murder trial would be "a very troublesome question."

Patrick F. Haley of Chicago, Ill., executive director of the National District Attorneys Association, said he knew of no other such case.

Richard H. Cobb, executive vice president of the Wake County Hospital System, said Friday he did not believe a panel of physicians had yet made an official determination that Miss Peyton's brain had died, as required by hospital procedures.

Cobb said the attending physician, Dr. Jerry A. Stirman of Raleigh, had decided "a brain death may have occurred." But he said that, based on a conversation Friday with Stirman, he understood that Stirman's determination had not been certified.

Under hospital policy, Cobb said, an attending physician wishing to have a brain death certified must request that a panel of three physicians, measuring a patient's brain waves by electroencephalography, certify his opinion.

Based on inaccurate information supplied by one of Miss Peyton's doctors, The News and Observer reported incorrectly Friday that four doctors would have to certify the brain death.

Then, he said, a signed statement is placed in the patient's medical record, and "the family must decide whether to maintain life support systems and/or take heroic measures to keep the patient's body alive."

Contributing to this report were staff reporters Joye Brown and Rosalind Reid.

Around the city

Public events

DOGWASH sponsored by N.C. State University Pre-Vet Club from 9 a.m. to 5 p.m. today, Grinnell's Animal Lab, Faucette Drive. Proceeds go toward scholarship funds for veterinary students. Call Bill Wicker at 737-5295 or Rick Lisk 737-5712 for information.

"WHITE Donkey" sale by Wake County Democratic Party from 9 a.m. to 6 p.m. today and Sunday, State Fairgrounds, in conjunction with the regularly scheduled flea market.

BARBECUE and brunswick stew supper sponsored by the Nelson Community from 5 p.m. to 8 p.m. today, Nelson Community Clubhouse, Old Raleigh Road.

CONCERT by the N.C. National Guard Band begins 2 p.m. Sunday, Pullen Park near the Roundhouse. In case of rain, concert at Jaycee Park.

SQUARE dance lessons begin 8 p.m. Tuesday, Carolina Pines Community Center, Lake Wheeler Road. Couples only. Call 362-4324 or 781-5180 after 6 p.m. for information.

PUPPET show for children 11 a.m. today, Cameron Village Public Library. Call 755-6068 for information.

SPINNING and weaving demonstrations by members of Triangle Weavers, from 11:30 a.m. to 4 p.m. today, West Point on Eno River on Roxboro Road, U.S. 501, north of Durham. Call 682-5966 for information.

FALL festival sponsored by St. James United Methodist Church, 2808 New Hope Road, from 10 a.m. to 8 p.m. today at the church.

BARBECUE, auction and yard sale sponsored by the Fairview Fire Department, State Road 1010, from 8 a.m. to 8 p.m. today at the fire department. Proceeds will go toward purchase of a fire truck. Call 772-9133 for information.

HALLOWEEN carnival sponsored by A.B. Combs School PTA from 4 p.m. to 9 p.m. today, 1609 Lorimer Road.

BAZAAR sponsored by Apex United Methodist Church Women from 9 a.m. to 3 p.m. today at the church, corner of Hughes and Chatham streets. Call 362-8221 for information.

OLDIES-But-Goodies dance featuring music of the '50s and '60s, sponsored by the Cary Law Enforcement Explorer Post 500, begins 7 p.m. today, Jordan Hall, North Harrison Avenue, Cary. Admission. Call A.L. Dry or B.K. Hobbs at 467-6111 for information.

PIEDMONT field trip sponsored by North Carolina Natural History Society begins 9 a.m. today. Transportation included in cost of the trip, but participants should bring lunches. Call Jesse Perry or Mary Capps at 733-7450 for information.

HALLOWEEN festival sponsored by the Powell Elementary School PTA from 2 p.m. to 7 p.m. today at Powell Elementary School, 1120 Marlborough Road.

BAZAAR sponsored by Hollands United Methodist Women from 10 a.m. to 4 p.m. today at the church, Route 3, Raleigh.

CHANCEL Choir of Edenton Street United Methodist Church, 228 W. Edenton St., performs "Lord Nelson Mass" by Joseph Haydn 7:30 p.m. Sunday. Public invited.

HALLOWEEN carnival sponsored by Vandora Springs Elementary School, Garner, from 5 p.m. to 8:30 p.m. today. Call Peggy Vojtke at 772-2973 for information

COURSES in welding and nursing assistance offered at Wake Technical Institute beginning Nov. 30. Call director of admissions, 772-7500, for information.

Private groups

25TH Reunion of the Hugh Morson High School, class of '54, 6:30 p.m. Nov. 3, Raleigh Country Club. Call J. Carroll Glenn at 876-3366 or Pat Burgess Young at 772-9215 for information.

RALEIGH-WAKE Federation of Concerned Christian Women meets 7 p.m. today, home of Mrs. Reather Whitley, 2916 Little John Road.

RALEIGH-WAKE chapter of Fayetteville State University Alumni Association meets 4 p.m. today, home of Barbara Jones, Route 1, Wendell.

Man reports theft of saw

Edward R. Schwerin of 2902 Fairview Road reported a chain saw and wood splitter valued at a total of $1,350 stolen from 5430 Six Forks Road Thursday.

In other cases being investigated:

■ Russell S. Hieb of 3314 Julian Drive reported a window valued at $100 stolen from a car parked at 2400 Wake Forest Road during the past week.

■ Hazel L. Ockletree of 211 Seawell Ave. reported a bicycle valued at $70 stolen from the home Friday.

■ Quinn's Auto Sales at 2736 S. Wilmington St. reported a calculator and typewriter valued at a total of $450 stolen in a break-in Thursday night.

■ Donnie Evans of 450

Enfield man shot to death

Special to The News and Observer

ENFIELD — A woman walking through a cornfield found the body of a 24-year-old Enfield man Friday afternoon, authorities said.

Laura Silver Bandy found the body of George Alvin Cofield of 303 Hammon St. shortly after 3 p.m., said a spokesman for the Halifax County

Black woman to head civil rights office

WASHINGTON (AP) — Roma Stewart, a black female lawyer, has been chosen to head the Office for Civil Rights in the Department of Health, Education and Welfare, it was announced Friday.

She will become the first black permanent director of the office.

Ms. Stewart, 43, of Washington, will replace David S. Tatel, 37, in mid-November, said an announcement by HEW Secretary Patricia Roberts Harris. Tatel has announced his resignation.

The office, which has almost 2,000 employees, is responsible for enforcing prohibitions against racial, ethnic, sex and other forms of discrimination in the government's largest department.

It currently is engaged in a desegregation dispute with the University of North Carolina.

Ms. Stewart has her own private practice in Washington, specializing in employment discrimination cases.

Born in Chicago, she was graduated from Fisk University in Nashville and Georgetown University Law Center in Washington.

Japanese firms to build in N.C.

OSAKA, JAPAN (UPI) — Two Japanese companies told Gov. James B. Hunt Jr. Friday they would build manufacturing plants in North Carolina.

In a statement released by his office in Raleigh, Hunt said the two companies asked not to be identified until they made a formal announcement of their plans.

A third Japanese company told Hunt "your state is one of the most eligible candidates" for a plant location, the statement said.

None of the companies presently have plants in the United States.

One of the companies said it will announce the construction of a $10-million heavy electrical machinery plant in North Carolina next spring, and the second firm will build a $5 million seafood processing plant on the North Carolina coast.

Hunt said the seafood plant will buy 32 tons of fish a day from area fishermen.

The third company is looking for a location for a $15 million steel fabrication plant.

Reinsurance board chief is elected

Bruce N. Fritz of Charlotte, branch manager of the Kemper Insurance Group, was elected chairman this week of the N.C. Reinsurance Facility's board of governors. He succeeds Thomas S. Carpenter of Charlotte.

The facility is a pool, established by state law, through which all the state's insurance firms provide auto liability insurance to so-called "poor-risk" drivers they do not want to cover voluntarily. About 25 percent of the state's drivers are assigned to the reinsurance facility.

The facility, which was designed to operate without profit or loss, released updated figures this month showing it had lost a total of $139 million since it was established in 1973.

In an attempt to recover $31.4 million in losses incurred during its 1977-78 fiscal year, the facility has voted to add an 18.6-percent surcharge to its reinsured drivers. It also has voted to add a 1.1-percent surcharge to all the state's auto insurance policies to recoup $3.4 million it lost when the General Assembly removed a 10-percent surcharge on reinsurance facility policies. The surcharges would take effect March 1, 1980.

But state Attorney General Rufus L. Edmisten has filed suit on behalf of Gov. James B. Hunt Jr., Insurance Commission John R. Ingram and himself contending the surcharges can not be collected because they are rates, which much be filed with the insurance commissioner's office.

Elderly woman hit by a bus

An elderly Raleigh woman was reported in satisfactory condition after she was struck by a Trailways bus at the corner of Hillsborough and Dawson streets Friday.

Mabel Margaret Morrison, 78, of A-301 Boylan Apartments, was admitted to Rex Hospital for head injuries and other bruises and abrasions.

Ms. Morrison was crossing Dawson Street shortly after 1 p.m. when she was struck by the bus, driven by William Earl McLeod, 49, of Norfolk, Va. No charges were made pending an investigation by Raleigh police officer I.E. Hinnant.

The Aces on Bridge

By Ira G. Corn Jr.

"He that never labors may know the pains of idleness, but not the pleasures."
– Samuel Johnson.

. . . . . .

It takes some work to find the winning play in today's taxing game. The routine play suffers defeat, thinking the problem through and playing with the odds brings in the jackpot

West led the unbid suit and West's eight is allowed to force South's king. Trumps are drawn in four rounds and it is apparent that declarer must limit the heart suit to two losers since there is an unavoidable loser in diamonds. How should declarer plan his play?

One solution is to get off play with the ace and a third diamond in hopes that the opponents may find the defense embarrassing. That doesn't work in today's layout (nor would it work in most cases), so the problem lays in how best to play the heart suit.

If declarer had no spot cards in hearts, the answer would be simple. He would play the ace of hearts and two low cocs, hoping to find either a 3-3 break or to drop the king of hearts singleton or doubleton. This solution would not work either, but there is an even better play available.

NORTH 10-27-A
♠ 6 3
♥ 8 5 4
♦ 10 9 6 3
♣ K Q 7 6 4

WEST
♠ 9 7 5 2
♥ K 10 7 3
♦ 8 3
♣ A J 3

EAST
♠ 8
♥ J 6
♦ Q J 8 7 5
♣ 10 9 8 5 2

SOUTH
♠ A K Q J 10 4
♥ A Q 9 2
♦ A K 4
♣ - - -

Vulnerable: None. Dealer: South. The bidding

South	West	North	East
2♠	Pass	2NT	Pass
3♥	Pass	4♠	Pass
4♠	Pass	Pass	Pass

Opening lead: Eight of diamonds

West's ten and declarer's nine builds into declarer's game going trick.

Bid with Cora

South holds 10-27-B
♠ A K Q J 10 4
♥ A Q 9 2
♦ A K 4
♣ - - -

South	North
1♠	3♠
3♥	4♥
4♠	4♥
?	

Laid-off workers to get aid

DURHAM — Liggett & Myers Tobacco Co. said Friday it would offer job skills training sessions to help the more than 400 workers laid off two weeks ago at the Durham plant.

Don Mott, vice president of personnel, said that Durham Technical Institute, in cooperation with Liggett, would hold four sessions beginning Nov. 6 to help interested former employees approach potential employers.

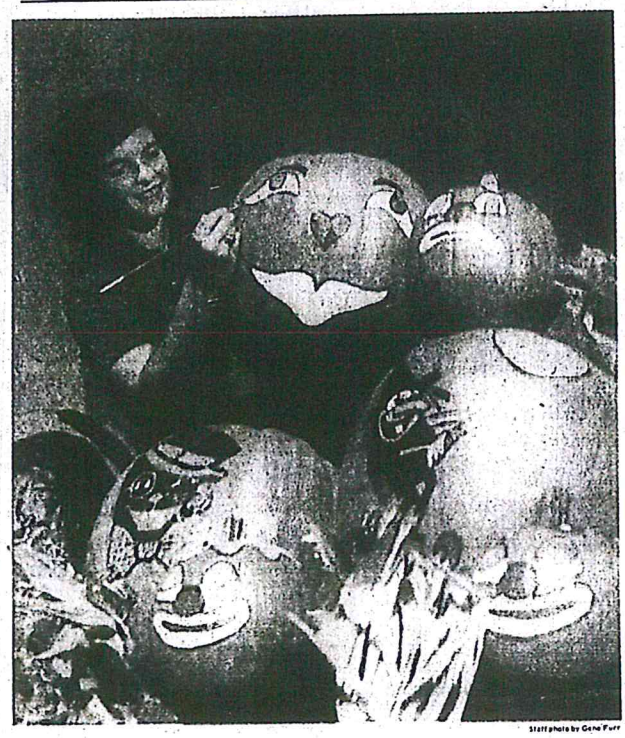
Among the topics to be covered are interviewing techniques, completing aplications and information on unemployment insurance.

BOBBY JACKSON REVIVAL
Author, Soloist, Evangelist.

27 OCT 27

The News and Observer

Telephone 821-1234 | 48 Pages Today | Raleigh, N.C., Wednesday, October 31, 1979 | 114th Year | Daily 15c, Sunday 50c



Staff photo by Gene Furr

Pumpkin day

The Halloween goblins will be on the prowl tonight. And to help people get in the spirit, Debra Lee of Route 1, Newton Grove, has been spending her time at the Farmer's Market in Raleigh painting faces on pumpkins. Each year, she said, her pumpkins wear different faces.

N-plant report warns of risks

New York Times News Service

WASHINGTON — The President's Commission on the Accident at Three Mile Island said Tuesday that fundamental changes must occur in the way nuclear reactors were constructed, operated and regulated if the risks of nuclear power "are to be kept within tolerable limits."

The commission added that even if President Carter, Congress, the Nuclear Regulatory Commission and the nuclear industry adopted all of its recommendations, there was "no guarantee that there will be no serious future nuclear accidents."

The critical assessment was presented to Carter Tuesday in a 179-page report prepared by the 12-member commission he appointed immediately after the accident that began March 28 at the Three Mile Island nuclear power plant in the Susquehanna River near Harrisburg, Pa.

The report by the commission, headed by John G. Kemeny, president of Dartmouth College, was made public Tuesday about 25 years after the United States initiated the drive to harness the power of the atom to generate electricity. Seventy-two reactors are now operating in the United States, representing about 13 percent of the electrical generating capacity in this country, and 91 units are in various stages of construction.

The Three Mile Island reactor is still out of action. Officials don't know when or if the reactor will be put back in service.

The findings and conclusions of the commission, previously reported, were critical of both government regulators and the nuclear industry. The report cited Metropolitan Edison Co., operator of the TMI facility, and the manufacturer of the reactor.

"To prevent nuclear accidents as serious as

See REPORT, page 2

The Associated Press

Commission Chairman John G. Kemeny ... report on accident released Tuesday

300 Salvadoran leftists attack U.S. Embassy

SAN SALVADOR, El Salvador (AP) — About 300 leftists attacked the U.S. Embassy Tuesday, firing guns and screaming "We will take the embassy," but they were turned back, authorities reported.

Officials said U.S. Marine guards and Salvadoran soldiers used tear gas to repel the invaders, who had climbed the embassy fence and tried to force their way into the building. Two Marines were reported to have been slightly wounded.

"They surrounded the embassy building for a few minutes, and they may have hurled a Molotov cocktail on the western side of the building," said embassy spokesman Vitas Dambrava.

Salvadoran troops and armored cars moved to guard the embassy after the attack. The scent of tear gas lingered for hours and spent gas cannisters littered the ground.

See SALVADORAN, page 6

Chrysler quarterly loss sets record

DETROIT (UPI) — Chrysler Corp. Tuesday reported a third-quarter loss of $160.6 million, a U.S. corporate record the firm hopes will mark the bottom of its dramatic slump.

With help on the way from the United Auto Workers union, bankers and other Chrysler dependents, the company reaffirmed its conviction that it can survive if the government provides temporary financial help.

Chrysler's third-quarter performance compared with a loss of $158.5 million in that period of 1978 and brought the company's losses for the first nine months of this year to $721.5 million — equal to $11.41 per share.

The largest previous losses by U.S. firms were $451.8 million by the Singer Co. in 1975, $448.2 million by the Bethlehem Steel Corp. in 1977 and $431.2 million by the Penn Central Transportation Corp. in 1970.

In a detailed recovery plan submitted to the government in its request for $750 million in loan guarantees, Chrysler said its losses this year and in 1980 could reach $1.5 billion.

It expects to show a profit in 1981, based on sales of new fuel-efficient compact cars and increased ability to produce currently hot-selling subcompacts.

Chrysler Chairman Lee A. Iacocca said Chrysler was only the most dramatic example of adverse pressures on the entire auto industry.

"The combination of government regulation, fears over gasoline availability and the spreading recession have caused even our largest competitors to report pre-tax losses for the third quarter," he said.

The reference was to Ford Motor Co. and General Motors Corp., both of which suffered operating losses in the third quarter but were kept in the black by tax write-offs.

GM's third-quarter profit of $22 million was down 96 percent from the 1978 period, while Ford's net earnings of $103 million were off by 60 percent.

In Washington, the chairman of Chrysler's largest bank creditor testified in support of the firm's bid for loan guarantees from the federal government.

John McGillicuddy, board chairman of Hanover Trust Co., also disclosed the company's bankers have given the firm an extra month to make loan payments.

"I'm in favor of helping Chrysler," McGillicuddy told a House Banking subcommittee on economic stabilization. But Chrysler "has exhausted its lending possibilities from the private point of view."

Another major key in Chrysler's recovery plan will be tested today in Kansas City.

The United Auto Workers union's rank-and-file Chrysler Council will meet to endorse or reject a tentative three-year agreement providing $203 million in cash concessions to the firm in exchange for a seat on the company's board of directors.

If endorsed by the council, the tentative agreement can be submitted to workers for a ratification vote.

Chrysler, the nation's 10th largest industrial corporation, reported worldwide sales of $2.5 billion in the third quarter, down 13.7 percent from sales of $2.9 billion in the same period last year.

Inside today

- Weather: Mostly sunny with highs in the 60s. Details, page 2.
- Chicago mayor officially backs Kennedy for president. Page 3.
- Doctor testifies Cuyahoga captain was in poor health. Page 10.
- Baltimore ace Mike Flanagan wins Cy Young award. Page 15.
- Raleigh ordered to promote Fire Captain Hubert Y. Altman to fire marshal. Page 23.

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Chess 12	Landers 8	Sports 15
Comics 24	People 8	TV-movies . 11
Deaths 25	Porter 21	Want ads 27

Victim of stabbing dies a month later

By STEVE LEVIN and ROSALIND REID
Staff Writers

Helena Peyton, the 23-year-old St. Augustine's College student who was stabbed in a dormitory bathroom, died Tuesday of heart and lung failure after being maintained by a life support system for more than a month.

Miss Peyton of Winterville died at 9:07 a.m. at Wake Medical Center in Raleigh. She had been unconscious and in critical condition in the hospital's intensive care unit since undergoing surgery Sept. 28, the day of the stabbing.

See ST. AUGUSTINE'S, page 7

Helena Peyton ... stabbing victim

Black wins in Birmingham

BIRMINGHAM, Ala. (AP) — A black city councilman-educator was elected mayor of this Southern industrial city Tuesday, becoming the third black mayor of a major city in the South.

Voter turnout was reported as among the heaviest ever.

With all 73 polling places reporting, unofficial returns showed councilman Richard Arrington polled 44,798 votes, 51 percent, to defeat white attorney-businessman Frank Parsons with 42,814 votes, 49 percent.

Arrington joins Ernest Morial of New Orleans and Maynard Jackson of Atlanta as black mayors of major Southern cities.

Voting was reported heavy among both blacks and whites, election officials said earlier Tuesday. Whites number 61,259 or 55.4 percent of the 118,660 registered voters.

Pollsters said the election would be split along racial lines.

Voting was also heavy in a City Council race that found five whites and three blacks vying for four seats.

Arrington, an educator and the son of a sharecropper, led a field of seven candidates in the city's Oct. 9 racially oriented primary.

A two term councilman and the favorite-son candidate among blacks, Arrington received more than 30,000 votes in the initial election, just 9,000 votes less than the combined totals of the other candidates.

Parsons, who said he would carry "sound Christian principles" into office, got a spot in the runoff by just 97 votes after the election was contested by his closest opponent.

Arrington

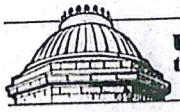
Arrington avoided racial issues and campaigned door to door in black and white neighborhoods.

Stewart opens campaign with an attack on Green

By A.L. MAY
Staff Writer

Calling Lt. Gov. James C. Green "vindictive and arrogant," House Speaker Carl J. Stewart Jr. officially began his [illegible] for lieutenant governor Tuesday at the Raleigh Civic Center.

In Raleigh, Stewart said his remarks were made in response to news reports that Green had called Stewart a "wide-eyed liberal" who was running for office for personal gain. Green was reported to



Under the Dome

Grimsley to direct Hunt bid

Joseph W. Grimsley, state secretary of administration, will take a leave of absence from his job to direct Gov. James B. Hunt Jr.'s re-election campaign.

31 OCT 31

probe
ination

Kim Jae-kyu

... suspected in plot against Park

wspapers photographs of Kim Jae-
ee agency chief, and Kim Kye-won,
cretary, who is a former head of the
rogated. Intelligence Chief Kim was
with puffy eyelids while Secretary
d sitting neatly facing questioners
s.
ties said initially Saturday that Park
by accident. Sunday, they changed
that KCIA Chief Kim shot Park in a
t. Their statement Tuesday implied
broader conspiracy.
y question among puzzled diplomats
is is what role senior military leaders
plot, Chung's presence near the KCIA
room was believed by several Korean
ysts to have been coincidental.

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Gemologist

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1	0	6 S	1793.00	1436.96
1	0	6	2217.66	1774.13
1	0	5	1765.00	1408.80
1	0	4	2787.00	2295.92
1	0	3	1817.00	1453.78
1	1	2	5500.00	4640.00

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EADS $2.88 ea.
EADS $5.95 ea.
PEARLS $2.25 ea.
PEARLS $3.25 ea.
PEARLS $5.25 ea.
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JADES $1.50 ea.
.99
.99
.99
LADIES' MAVERICK JEANS
$10.99 up

St. Augustine's college student dies of injuries

Continued from page one

At St. Augustine's, classes were suspended Tuesday and today in memory of the young woman, who was a senior. Seven hundred students and faculty attended a prayer service Tuesday afternoon at the school chapel. College President Prezell R. Robinson ordered school flags flown at half-staff.

The cause of death was listed as cardio-respiratory failure, according to an autopsy performed at the hospital by Dr. Gordon LeGrand of Raleigh.

Dr. Jerry A. Stirman of Raleigh, Miss Peyton's attending physician, said Tuesday Miss Peyton had not been taken off the life-support system before she died.

Last week, hospital officials said Stirman believed Miss Peyton may have suffered brain death while in the hospital, although a formal determination by a panel of doctors was not made. Brain death, as defined by North Carolina law, is the "irreversible cessation of total brain function."

On the basis of conversations with doctors, Wake District Attorney J. Randolph Riley said he planned to file a murder charge if a suspect was caught, even if Miss Peyton were still being maintained by a life-support system.

No suspect has been arrested.

Stirman issued a statement through the hospital Tuesday, saying:

"While all of her life-support systems were functioning, she was very unstable despite all of the resuscitation measures that were being taken

"Within the last 24 hours Miss Peyton began showing signs of cardiac decompensation (the inability of the heart to maintain adequate circulation). She developed a slowing heart rate that did not respond to resuscitation measures. At 9:07 this morning, her heart stopped."

The young woman's mother, Daisy Peyton, was at the hospital Tuesday when Helena died. Helena's father, Ben Peyton, drove to the hospital from Winterville when he was notified of her death.

Staff photo by Dixie D. Vereen

About 700 persons attend prayer service at St. Augustine's College
... classes suspended Tuesday and today in memory of Helena Peyton

Miss Peyton, a senior majoring in early childhood education, was stabbed in the neck by a man who hid in the sixth-floor bathroom of Latham Hall, according to witnesses.

Raleigh police have followed up dozens of leads, said Detective Donald C. Brinson, but have made no arrest. A composite sketch of a suspect has been issued by police.

Brinson said a third lineup would be held soon for witnesses to view suspects.

Miss Peyton's death does not change the nature of the investigation, Brinson said. "We handled it like a murder to begin with," he said.

Gov. James B. Hunt Jr. has offered a $5,000 reward for information leading to the arrest and conviction of the assailant.

At the prayer service Tuesday on the college campus, students sat with bowed heads and wept as Robinson told them to remember that "God gives and God takes away."

In an interview after the service, Robinson said, "The whole college family is saddened by the passing of this young lady.

"Something like this has a traumatic impact, naturally, on the lives of all the students, faculty, staff and administration here. But in due course, like everything else, we'll pass through this period."

Robinson said about 150 students would attend Miss Peyton's funeral in Winterville. Funeral arrangements, by Mitchell's Funeral Home in Winterville, were incomplete Tuesday.

The Rev. Ronald Fox, the school chaplain who conducted the service, said a lighted candle would be burn at the school chapel until Miss Peyton's funeral.

A memorial service will be held at the chapel at 3 p.m. today.

Flaherty denies interest in race

LENOIR (AP) — David T. Flaherty has said he has no plans to run for lieutenant governor next year.

Flaherty was the GOP nominee in the 1976 governor's race.

The News and Observer reported Monday that Flaherty, an executive with Broyhill Furniture Co. in Lenoir, had told GOP chairman Jackson F. Lee that he was considering running for lieutenant govenor next year.

In a telephone interview with The Associated Press Monday, however, Flaherty said: "I'm not seeking to be a candidate."

He said he wouldn't rule out running if he could keep his job, not have to campaign and not spend any money. That, he said, "more than likely is never going to happen."

He said he believed the story got started when he told Lee he would help in any way he could in next year's elections. However; he said he meant that he would give his assistance, not run for office.

Lee had told The N&O: "Dave's interested. He's been talking about it a little bit."

Agency to move

Family Services of Wake County will move to new offices at 3803 Computer Drive in northwest Raleigh Thursday.

The agency, formerly located at Jones Street and Glenwood Avenue, will occupy Suite 101 of the office building, which is off Six Forks Road just inside the Beltline.

The agency's phone numbers will also change as a result of the move.

For personal and family counseling, the new number will be 781-9117; for travelers' aid, 781-9121; and for consumer credit counseling, 781-9307.

CORRECTION

The following merchandise appearing in the Sale Section of today's paper is not available for this sale: the men's work shoes on page 2 and the wood burning heater on page 9.

We apologize for any inconvenience.

Sears

Under the Dome

Continued from page one

DECISION — According to administration sources, Mrs. Patterson will serve as acting secretary until Hunt returns from his trip to Japan and China. At that time, a decision will be made on whether to keep her as acting secretary or name someone else.

Grimsley, who makes $44,412 a year as secretary, will earn about the same amount with the campaign. Grimsley could not be reached for comment.

An administration source told Dome that Grimsley's role in the re-election effort would be diminished somewhat from 1976 and that the campaign would be guided to a larger extent by Hunt's political mentor, Bert L. Bennett Jr. of Winston-Salem; Hunt patronage chief Joseph Pell and Betty R. McCain, co-chairman of the Jim Hunt Committee.

Earlier this year, Hunt and his aides said they didn't expect Grimsley to work in the re-election effort, but sources said Tuesday that the search for a campaign director produced no one as suitable as Grimsley.

"It just became increasingly difficult to find some one who fit in like Joe," one source said.

Grimsley was asked by Hunt to accept the position the week before the governor left for a three-week trade mission to Japan and China.

Grimsley and representatives of the campaign consulted the state attorney general's office about Grimsley's taking a leave instead of resigning. They were told it would involve no conflict of interest, sources said.

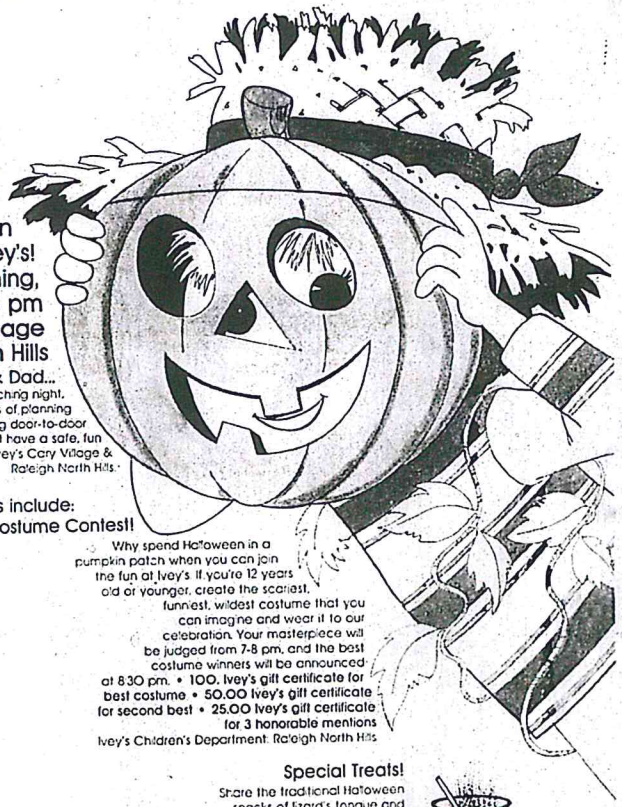
• • •

SIGNING UP — Rep. W.G. "Bill" Hefner, D-N.C., says he collected about 60 signatures from fellow House Democrats on a petition endorsing President Carter for renomination before he set the project aside for a while.

The 8th District congressman said the fact that only 60 of the House's 275 Democrats signed the petition shouldn't be taken as a sign of discontent with Carter.

"I just haven't messed with it lately," Hefner said. "I just kind of threw it in the drawer and forgot about it."

Hefner said he merely wanted to gauge the accuracy of reports that



Don't be tricked! Find your Halloween treats at Ivey's! Wed. evening, 7-9 pm
Ivey's Cary Village & Raleigh North Hills
Mom & Dad...
Give your children a bewitching night, and avoid the headaches of planning neighborhood parties or trooping door-to-door door-to-door. Your little goblins will have a safe, fun Halloween at Ivey's Cary Village & Raleigh North Hills.

Festivities include:
The Great Costume Contest!
Why spend Halloween in a pumpkin patch when you can join the fun at Ivey's. If you're 12 years old or younger, create the scariest, funniest, wildest costume that you can imagine and wear it to our celebration. Your masterpiece will be judged from 7-8 pm, and the best costume winners will be announced at 8:30 pm. • 100. Ivey's gift certificate for best costume • 50.00 Ivey's gift certificate for second best • 25.00 Ivey's gift certificate for 3 honorable mentions
Ivey's Children's Department. Raleigh North Hills

Special Treats!
Share the traditional Halloween snacks of lizard's tongue and witches' brew (cookies and punch) with your fellow monsters!
Ivey's Cary Village accessories
Ivey's Raleigh North Hills
Children's Department.

Fish for a Prize!
Grab a pole and cast for a special prize.
Ivey's Misses' Sportswear.
Cary Village

Sweet Surprises!
Our spooky monsters want to give you complimentary candy, so don't be scared! They'll be looking for you throughout the store.
Ivey's Cary Village

Tricky Demonstration!
Jackie Lampe will demonstrate her Halloween Treats.
Ivey's Housewares Cary Village

Jelly Bean Contest!
Don't eat the jelly beans! The boy or girl who comes closest to guessing the number of jelly beans in our jar wins a 25.00 Ivey's gift certificate.
Ivey's Children's Department.
Cary Village

[illegible] acre purchase to consolidate Dare refuge

[illegible] Wildlife Service [illegible] Nature Conservancy [illegible] the initial negotiations, she said, because officials were concerned that someone else might buy the property before federal money was available.

The purchase marks one of the largest land acquisitions by the N.C. Nature Conservancy, which has helped preserve more than 500,000 acres of land in North Carolina. The group directly owns and manages 27,016 acres of land in 25 preserves in the state.

An independent appraiser has valued the land at $5.3 million, she said.

[illegible] Prudential tract

[illegible] Prudential spokesman James A. Longo said by telephone from the company headquarters in Newark, N.J.

Congress appropriated $1 million for buying the Prudential tract as part of the continuing budget resolution passed in December, but that money probably won't be available for several

[illegible] benefit

[illegible] Fish & Wildlife Service [illegible] refuge property [illegible] among the Fish & Wildlife Service's top [illegible] land acquisition priorities in the nation. The property has a mixture of farmland and swamps, providing prime habitat for the wolves as well as black bear, white-tailed deer, waterfowl and numerous small mammals.

"This 10,000-acre addition is very critical to the future man-

Intersection planning to begin

[illegible] overturns [illegible] leaks gasoline

[illegible] Page 6

[illegible] because it would be con[illegible] in the grassy median [illegible] and westbound lanes.

[illegible] and realigned Westgate [illegible] would last eight to 10 [illegible] if necessary, however, we are hopeful we can go in before then with the full interchange."

He said he had ordered planners to proceed because the plan, the [illegible] of several proposed to improve safety and reduce congestion at the site, had the backing of Raleigh, Cary, DOT, airport officials and Peden.

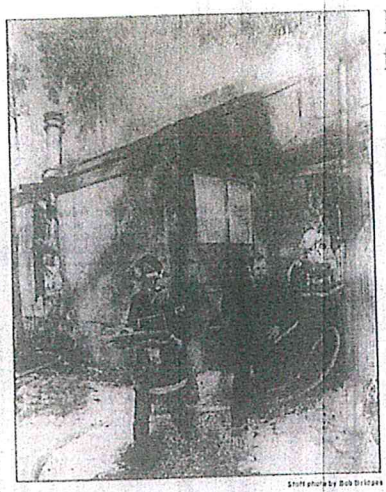
York said he had no specific plan to get funds for the bridge. [illegible] the authority board has said the state should fund the entire project.

Peden said DOT officials would consider tweaking the bridge "over the next few months."

Once preliminary designs for the two phases are completed, public hearings will be held, probably in the summer, Peacock said. Then, final plans will be drawn and if approved by top DOT officials, right of way will be acquired beginning this fall, he said.

[illegible] Nigerian student, wife sentenced in drug case

[illegible] senior judge in Wake [illegible] treated for chest pains



Staff photo by Bob Drietzer

House burns

Firefighters assist Gary E. Johnson, center, in removing belongings from his burned house on Louisburg Road near Raleigh. The Wake-New Hope and Wake Forest fire departments brought the fire under control about noon Thursday. No injuries were reported.

Body of homeless man found frozen in Durham

By CARLA ATKINSON
Contributor

DURHAM — The body of a man who made his home in plywood shacks and shelters for the homeless was found by authorities Thursday after he apparently froze to death during the night.

The body of Clarence Edwards, 42, was discovered by police about 7:15 a.m. on the railroad tracks behind the Carolina Distributing Co. at 106 E. Pettigrew St.

It appeared Edwards had died of exposure to Wednesday's cold temperatures, authorities said. The overnight low at Raleigh-Durham Airport was 20 degrees Wednesday, according to the National Weather Service.

An official cause of death will be determined in an autopsy. "We think it was weather related because he was wearing very lightweight clothing," said Durham Officer G.N. Gilham.

The area in downtown Durham where Edwards' body was found is known as Buzzards Roost. It is frequented by homeless and poor men who often wait on a loading dock for a day's work.

The area is dotted with several makeshift shacks. Edwards, however, had a plywood shack behind the A&P store on Broad Street, police said.

David W. Tucker, director of the Urban Ministries shelter on nearby Queen Street, where Edwards often stayed, said Edwards had been on a cycle of drinking and sobriety since he first met him.

Tucker said he thought Edwards probably had been alone during the night, when more than 60 men had taken refuge in the shelter.

"Those guys look after each other even when they're drinking, and they would have called someone," he said. "He knew the shelter was here. What I assume happened was that he drank too much and passed out."

During his acquaintance with Edwards, Tucker said, there were periods during which Edwards had stayed sober for weeks at a time. During two of those dry spells, the ministry's job service secured custodial jobs for Edwards.

Tucker blamed alcohol for many of Edwards' troubles.

"It affected Clarence in a such a way that he had all kinds of physical problems," Tucker said. "When he was sober he was a good man and a friend of mine and I'm sorry he's gone."

Authorities said Edwards had not had much family.

"There are some success stories, and those give us the energy to keep doing it," Tucker said. "Clarence doesn't represent a failure so much because he had successes in his life. This particular failure did him in."

Cary backing higher bidder on cable study

From page 1C

A committee recommended the [illegible] expensive bid in December, [illegible] councilman T. E. Brooks.

[illegible] Mabry-Taylor appeared to cost less initially, the [illegible] altered nature of the company's proposal might have led to [illegible] costs, officials said. [illegible] could have equaled the [illegible] bid, Campsand [illegible] was a bit generic," [illegible] man W. M. Garmon. [illegible] I'm concerned about [illegible] information in a [illegible]

[illegible] complained [illegible] poor reception, [illegible] service and free [illegible] of program[illegible]

Mental patient gets life term for slaying

By DAVID ZEMAN
Staff Writer

A mental patient pleaded guilty to second-degree murder Thursday in the 1979 slaying of a female St. Augustine's College student in her dormitory bathroom.

Blackman

James A. Blackman, who gave police a bizarre, often-rambling confession to the killing, was sentenced to life in prison by Wake Superior Court Judge Henry V. Barnette Jr. of Raleigh as part of a plea bargain agreement. Barnette also ordered that Blackman continue to undergo psychiatric treatment at Central Prison, where he is being held.

The woman, Helena Payten, was stabbed in the neck in the early-morning hours of Sept. 29, 1979, as she entered a bathroom stall in her dormitory. She died about a month later.

Under the arrangement, Blackman will be allowed to appeal an earlier ruling allowing his confession to be introduced at trial. Defense attorney Thomas C. Manning had sought to have the statements suppressed on the ground that Blackman, 34, a drifter who had been committed to Dorothea Dix Hospital on numerous occasions, was not competent to understand his rights when questioned by police.

Manning said in an interview Thursday that if the N.C. Court of Appeals reversed the Aug. 21 ruling by Superior Court Judge Wiley F. Bowen of Durham, the charge against Blackman probably would be dismissed.

"It's my opinion that the state will not have evidence sufficient to convict him, if the confession is thrown out," Manning said. If Blackman loses his appeal, he probably would be eligible for parole in about eight years, Manning said. Blackman has been in state custody and undergoing psychiatric treatment since his arrest in late 1981. He had been declared incompetent to stand trial on a number of occasions but was declared competent this past summer.

Special prosecutor William P. Hart of the N.C. attorney general's office said in an interview that he had little choice but to accept the plea instead of trying Blackman on a first-degree murder charge. Hart said many witnesses either had moved out of state or might not remember details of the slaying.

Police focused on Blackman in early 1983 after hearing that he was bragging about the murder while at Dorothea Dix, where he was a patient. In the following months, Blackman frequently visited or called Raleigh police detectives. Eventually, he confessed to killing Ms. Payten but blamed the murder on "the old James Blackman."

He told police in a tape recorded interview Nov. 28, 1983, that Ms. Payten had "wanted to die." At other times in the taped interviews, however, Blackman flatly denied killing the woman.

His conversation was dotted with references to his "wings," flying saucers, a drug problem and being forced to submit to homosexual acts.

Judge finds argument by UNC-CH students 'stunning'

[illegible] also testified on behalf of the students. He said his experience as an excellent member of the UNC-CH Board of Trustees had shown him that dramatic reforms were necessary to make it an part of [illegible] education.

He [illegible] of the students [illegible] said jammed [illegible] charged in the building [illegible] CIA recruitment days were [illegible] not notice [illegible]

[illegible] others were not arrested because they didn't block the room near the CIA recruiters.

District Attorney Carl R. Fox said he understood at least part of the students' arguments. "I don't think even the average passer-by on the street thinks the CIA is a [illegible] Boy Scouts," he said.

He also said students had a right to protest. But he said the arrested students had come too far [illegible]

[illegible] the rooms where recruiting was taking place. That, he said, violated the rights of others.

Besides McKinley, the other students in court Thursday were W. Graham Entwistle, a senior from Charlotte, and Joe R. Templeton, a sophomore from Gastonia. Three other students were arrested with them in October, but their students agreed earlier to perform community service in exchange for dismissal of the charges.

[illegible] to run against 'power brokers'

[illegible] Page 1C

[illegible] Ted A. Peeler, a Democrat from Granite Falls, entered the 10th District congressional race seeking to defeat Republican incumbent F. Cass Ballenger of Hickory. Peeler has run several times for the congressional seat, most recently in 1984.

[illegible] Democratic District Court Judges James W. Hardison of Williamston, Charles W. Williams of Oxford and Stanley Peele of Chapel Hill filed for re-election.

[illegible] Margaret P. Lewis, Forestville, a Raleigh [illegible] of the state House, announced that she would not seek re-election to the [illegible]

[illegible] Alton E. Powell, [illegible]

Deaths and funerals

ALBERT F. BURN

Albert F. Burn, 62, of 1106 Hoover Rd. died Monday. Funeral [illegible] Lightner Funeral Home, [illegible] Raleigh. National Cemetery.

ALBERT SMITH

Albert Smith, [illegible] of Delany Drive died Thursday. Arrangements by Lightner Funeral Home.

THOMAS BOYD

Thomas Boyd of 3603 Creech Road died Wednesday. Arrangements by Lightner Funeral Home.

RUBY A. BLYTH-MacDONELL

Mrs. Ruby Averitt Blyth MacDonell, 79, of 609 Polk St. died Thursday. Funeral 10 a.m. Saturday from Brown-Wynne Funeral Home, St. Mary's Street. Burial Oakwood Cemetery.

Surviving: son, Joseph Averitt Blyth of Raleigh; daughter, Mrs. Faye Blyth Williams of Silver City, N.M.; two grandchildren; four great-grandchildren; three great-great-grandchildren.

Family at funeral home, 7-9 p.m. today.

ROSCOE J. McDANIEL JR.

Roscoe James McDaniel Jr., 47, of Raleigh, died Dec. 21. Memorial service 3 p.m. Sunday, Christ Sanctified Holy Church, Cary.

Surviving: wife, Mrs. Faye McDaniel; son, Donnie McDaniel and David McDaniel, both of Portland, Ore.; daughters, Miss Pam McDaniel, Miss Lori McDaniel and Miss Lynette McDaniel, both of Portland, Ore.; brothers, Dale McDaniel and Richard McDaniel, both of Raleigh; sisters, Mrs. Roberta Aycock of Hillsborough, Mrs. Wanda Ray, Mrs. Phyllis Joyner and Mrs. Diane Lamberson, all of Raleigh; three grandchildren.

CHRISTINE C. LOCKE

ZEBULON — Mrs. Christine C. Locke, a retired school teacher, died Thursday. Funeral 2 p.m. Sunday, Beavers Chapel United Church of Christ. Burial, Wakefield Baptist Church cemetery.

Surviving: daughters, Mrs. Laverne Hairston of Raleigh, Mrs. Elsie Latham of Zebulon; sisters, Mrs. Odessa Johnson of Kansas City, Mo., Mrs. Marie Jackson of St. Ambrose, N.Y.; brother, Alphonso Cooke of Jackson, Tenn.; six grandchildren; five great-grandchildren.

Family at William Toney Funeral Home, 7-8 p.m. Saturday; other times at the home of Dr. and Mrs. George Latham, 707 Old Highway 64.

JOHN H. McKoy

John H. McKoy, of 760 Lunar Drive, died Monday. Funeral 1:30 p.m. today, Praise Temple Apostolic Faith Church. Burial, Carolina Biblical Gardens.

JOHN D. LOCKLEY

The Rev. John Delano "J.D." Lockley, of 432 Lansing St., died Saturday. Funeral 1 p.m. Saturday, Martin Street Baptist Church. Burial, Carolina Biblical Gardens.

Wake at the church, 6-7 p.m. today.

Arrangements by Haywood Funeral Home.

JANICE R. REHSE

Mrs. Janice Rose Rehse, 59, of 2021 Quail Ridge Road, died Tuesday. Funeral 1 p.m. today, Our Lady of Lourdes Catholic Church. Burial, Pine Forest Memorial Gardens and Mausoleum, off U.S. 1 North, Wake Forest.

Memorial contributions may be made to Arthritis Foundation, 1115 Gates Road, P.O. Box 2905, Durham 27707.

Arrangements by Brown-Wynne Funeral Home, Millbrook Road.

ELIZABETH M. LIBERTY

Miss Elizabeth Mary Liberty, 58, of 1603 Green Pine Court, died Tuesday. Funeral 11 a.m. today, Christ Episcopal Church. Burial, Oakwood Cemetery.

In lieu of flowers, memorial contributions may be made to Wake County Relief, in care of Christ Church, P.O. Box 25778, Raleigh 27611.

Arrangements by Brown-Wynne Funeral Home, St. Mary's Street.

HAZEL K. SEWELL

Mrs. Hazel K. Sewell, 85, of Hillhaven Convalescent Center, died Tuesday. Funeral 2 p.m. today, Brown-Wynne Funeral Home, Cary. Burial, Raleigh Memorial Park.

Memorial contributions may be made to American Cancer Society, P.O. Box 27624, Raleigh 27611.

GLADYS P. McDANIEL

Mrs. Gladys Penny McDaniel, 66, of Route 3, Raleigh, died Wednesday. Funeral 2 p.m. today, Mount Zion United Methodist Church, Route 1, Garner. Burial, church cemetery.

Family at the home of Mr. and Mrs. Freddie McDaniel, Route 3, Raleigh.

Arrangements by Boyd-Lee Funeral Home, Garner.

JOHN S. RHODES

Dr. John Sloan Rhodes, 82, of 10 Springmoor Drive, a Raleigh urologist, died Wednesday. Funeral 1 p.m. today, West Raleigh Presbyterian Church. Burial, Raleigh Memorial Park.

Memorial contributions may be made to Rex Hospital Foundation, 3420 Lake Boone Trail, Raleigh 27607, or a favorite charity.

Arrangements by Brown-Wynne Funeral Home, St. Mary's Street.

ELIZABETH J. WHITAKER

Mrs. Elizabeth J. Whitaker, of 116 St. Mary's St., died Thursday. Funeral 2 p.m. Sunday, Juniper Level Baptist Church. Burial, church cemetery.

Surviving: daughters, Miss Venita Whitaker, Miss Binelle Whitaker, Miss Barbara Whitaker and Mrs. Annette Whitaker, all of Raleigh; sons, Tyrone Whitaker of Brooklyn, N.Y., Lavar Whitaker of Raleigh, El Reid Whitaker of North Hollywood, Calif.; sisters, Mrs. Helen Taylor and Mrs. Mae Myatt, both of Garner; brothers, Alfred Jones of Raleigh, Wallace Jones of Garner; five grandchildren.

Family at Haywood Funeral Home, 7-8 p.m. Saturday, other times at 501 Beverly Drive.

ROBERT LONG

LOUISBURG — Robert Long, 57, died Wednesday. Funeral 2 p.m. Sunday, Walnut Grove Baptist Church. Burial, church cemetery.

Surviving: father, Bennie Long of the Louisburg; sisters, Mrs. Ernestine Teasley of Forestville, Md., Mrs. Theresa Livingston of Centerville, Mrs. Janet Higgins of Washington; brothers, Bennie Long, Jr. of Frankinton, Joe Long and Stanley Long, both of Louisburg; paternal grandmother, Mrs. Mattie Long of New Jersey.

Wake at William Toney's Funeral Home, Spring Hope, 7-8 p.m. Saturday.

NORA E. GRANTHAM

GOLDSBORO — Mrs. Nora Ellis Toler Grantham, 55, died Wednesday. Funeral 2 p.m. today, Seymour Funeral Home. Burial, Wayne Memorial Park.

Family at the home of Mrs. LaVerne Sauls, 112 N. Church St., Eureka.

PAID OBITUARY

Anyone wishing to publish more information than contained in the standard death notice

Details of these de[illegible] other editions of to[illegible]

MARIE G. OWENS, 63 [illegible]
E. COY AVERY, 73 [illegible]
MARGARET T. HEATH, [illegible]
CARLYLE FERRELL, 64 [illegible]
JAMES D. SAUNDERS, [illegible]
HARVEY L. BRITT, 58 [illegible]
MARGARET G. PITTMAN [illegible]
MARY G. McGUGAN, 79 [illegible]
ALMA A. NORRIS, 67 [illegible]
PAULINE J. GADDY, 55 [illegible]
LEROY D. BURGESS, 63 [illegible]
ALICE W. SAMPSON, 82 [illegible]
PAULINE J. GREEN, 64 [illegible]
ETHEL S. EVERETT, 55 [illegible]
JOHN L. PLATT, 78 [illegible]
GRACE S. PADGETT, 84 [illegible]
GEORGE A. THREEWIT [illegible]
MARGARET B. HERRON [illegible]
SALLIE W. POOLE, 86 [illegible]
BESSIE W. MOORE, 91 [illegible]
ELIZA B. DANCY, 90 [illegible]
LUCYN. NOEL, 73 [illegible]
ADA R. BARNES, 81 [illegible]
HARRY G. PEACOCK [illegible]
RALPH L. BASS, 73 [illegible]
WILLA H. NANCE, [illegible]
CAROL HUNT, 42 [illegible]
FRANK J. FOSTER, [illegible]
NELLIE H. ABBOTT, [illegible]
MOLLIE P. MANESS, [illegible]
BENJAMIN F. COOKE [illegible]
LAWRENCE G. HAMB [illegible]
MARY V. TURNER, [illegible]
WILLOUGHBY R. MILL [illegible]
KATHER. JOHNSON, [illegible]
JAMES J. LITTLE, 15 [illegible]
HEVIA H. ROE, 81 [illegible]
LINWOOD B. TUCKER [illegible]
HERBERT L. MOORE [illegible]
MARY A. COX, [illegible]
SARAH R. SAWYER, [illegible]
FLORENCE B. GARRI [illegible]
LAMPELA TWIFORD [illegible]
RICHARD E. BAUM, [illegible]
MEDORA K. KALTEN [illegible]
BENJAMIN S. O'NEA [illegible]
THOMAS J. GRIGGS, [illegible]
MARGARET B. PITTS [illegible]